

STATUTES OF CALIFORNIA

PASSED AT THE

FORTY-THIRD SESSION OF THE LEGISLATURE

CHAPTER 1.

An act appropriating money to pay the salaries of the additional justices of the courts of appeal of the first and second appellate districts for the seventieth fiscal year.

[Approved January 24, 1919. In effect immediately.]

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

SECTION 1. The sum of twenty-one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended in accordance with law for the payment of the salaries of the six justices of the courts of appeal of the first and second appellate districts of the State of California, appointed by the governor under the provisions of section four of article six of the constitution as amended November 5, 1918, from and after the first day of January, 1919, to the end of the seventieth fiscal year.

Appropriation; salary of additional justices of courts of appeal.

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

CHAPTER 2.

An act making an appropriation for miscellaneous expenses of division two of the district court of appeal for the second appellate district, during the current fiscal year.

[Approved January 24, 1919. In effect immediately.]

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

SECTION 1. To enable division two of the district court of appeal for the second appellate district to perform its functions under the jurisdiction vested in it by the amendment of section four of article six of the constitution, adopted November 5, 1918, there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of two thousand nine hundred dollars, to be used in procuring

Appropriation; expenses of division two, court of appeal, second district.

furniture, carpets, fixtures, books and other accessories, and for the payment, during the current fiscal year, for services of such assistants as may be necessary to enable the said court to transact its judicial work in an orderly and expeditious manner, or necessary or convenient to the exercise of its jurisdiction.

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

CHAPTER 3.

An act making an appropriation for the purpose of enabling the court of appeal of the first appellate district, division two, during the current fiscal year to perform its functions under the jurisdiction vested in it by the amendment of section four of article six of the constitution, adopted November 5, 1918.

[Approved January 24, 1919. In effect immediately.]

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

Appropriation: division two, court of appeal, first district.

SECTION 1. For the purpose of enabling the court of appeal of the first appellate district, division two, to perform its functions under the jurisdiction vested in it by the amendment of section four of article six of the constitution adopted November 5, 1918, there is hereby appropriated out of any fund available therefor the sum of nine thousand dollars, to be used in procuring furniture, carpets, fixtures, books and other accessories, and for the payment during the current fiscal year of rent for offices and for services of such assistants as may be necessary to enable the said court to transact its judicial work in an orderly and expeditious manner, or necessary or convenient to the exercise of its jurisdiction.

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

CHAPTER 4.

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

[Approved January 24, 1919. In effect immediately.]

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

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to defray the expense of legislative printing for the forty-third session of the legislature of the State of California. Appropriation: legislative printing.

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

CHAPTER 5.

An act making an appropriation to defray the expense of legislative mailing handled by the superintendent of state printing, for the forty-third session of the legislature of the State of California.

[Approved January 24, 1919. In effect immediately.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to defray the expense of mailing handled by the superintendent of state printing during the forty-third session of the legislature of the State of California. Appropriation: legislative mailing.

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

CHAPTER 6.

An act to create a state committee on soldiers' employment and readjustment to assist in securing re-employment for soldiers, sailors, marines, and others, who have served with the armed forces of the United States during the European war; to provide a state agency to co-operate with all federal, state, county and municipal officials and agencies having a like object, and to authorize said committee to aid in the expeditious allowance and payment of all allotments and allowances provided for by law for the protection of said soldiers and the maintenance of their dependents, and to make appropriations for the purposes of this act.

[Approved January 24, 1919. In effect immediately.]

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

State committee on soldiers' employment and readjustment created.

SECTION 1. There is hereby created a state committee on soldiers' employment and readjustment to consist of nine members who shall be appointed by the governor to serve at his pleasure.

Powers and duties of committee.

SEC. 2. The state committee on soldiers' employment and readjustment shall assist in securing employment for soldiers, sailors, marines, and others, who have served with the armed forces of the United States during the European war; and, shall likewise have power to co-operate with all federal, state, county and municipal officials and agencies having a like object in so dealing with such problems and in the securing of said employment for said soldiers, sailors, marines, and others, who have served with the armed forces of the United States during the European war; and to stimulate and co-ordinate public and private assistance and to encourage and develop federal, state, municipal and private industrial and constructive enterprises in the meeting of these problems; and said committee shall likewise be authorized and empowered to aid in the expeditious allowance and payment of all allotments and allowances provided for by law for the protection of said soldiers and the maintenance of their dependents.

Activities of state council of defense transferred.

SEC. 3. This committee shall succeed to all the activities of the state council of defense, and said state council of defense is hereby authorized and instructed to deliver all of its records, files and property to said committee.

Expenses.

SEC. 4. Members of the state committee on soldiers' employment and readjustment shall serve without pay, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duty hereunder.

Appropriation.

SEC. 5. For the purposes of this act fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated. Claims against such appropriation shall be approved

by the chairman of the state committee on soldiers' employment and readjustment, and when so approved shall be audited and paid in the manner provided by law. The term of said state committee on soldiers' employment and readjustment shall expire not later than January 31, 1921, A. D. Term.

SEC. 6. Inasmuch as the United States military and naval forces are being demobilized, and, those entering from the State of California are suddenly returning in very great numbers to their homes, without provision for their re-employment or other readjustment to civil life, it is hereby declared that this act is an emergency measure, necessary for the immediate preservation of the public health, peace and safety, and that under the provisions of section one of article four of the state constitution an urgency exists, and this act shall take effect immediately. Urgency measure.

CHAPTER 7.

An act authorizing the state board of control to purchase warrants of the Sacramento and San Joaquin drainage district issued in payment for the expense of continuing construction of the east levee of the Sutter by-pass; appropriating money therefor, and providing for reimbursement to the state of such appropriation.

[Approved January 30, 1919. In effect immediately.]

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

SECTION 1. The state board of control is hereby authorized to purchase at their face value, to the extent of not exceeding the total amount hereinafter appropriated, any or all warrants of the Sacramento and San Joaquin drainage district drawn by the state controller as provided in the reclamation board act and payable out of the assessment of the reclamation board known and designated as Sutter-Butte by-pass assessment number six and issued in payment for the expense of continuing construction of the east levee of the Sutter by-pass, or in payment for rights of way or other necessary expenses incident to the prosecution of said work. Purchase by state of drainage district warrants.

SEC. 2. The board of control shall, in the matter of the purchase of such warrants, adopt such measures and impose such conditions as may to said board appear necessary or proper to ensure the proper auditing or preauditing of the claims upon which such warrants are issued, to the end that the work mentioned in section one of this act may be prosecuted economically. Auditing of claims.

SEC. 3. The board of control is hereby authorized to enter into contracts, upon such terms and conditions as said board may impose, for the purchase of all or any of the warrants which it is hereby authorized to purchase. And the said board Contracts for purchase of warrants.

Exchange
and sale
of warrants.

of control is hereby further empowered to exchange any warrants so purchased by it for other warrants drawn against the same assessment, and to sell all or any part of such warrants so purchased or taken in exchange by it; *provided*, all such exchanges or sales of warrants shall be effected without loss to the state.

Register
of warrants.

SEC. 4. All warrants so purchased or acquired by exchange by the board of control under the provisions of this act against said assessment, shall be registered by the state treasurer, unless already registered, and shall be payable with interest in their proper order of registration, as provided in the reclamation board act, and shall be held by the board of control for the state until paid. whereupon the proceeds thereof shall be returned into the general fund of the state.

Appropriation.

SEC. 5. The sum of three hundred thousand dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to be expended by the board of control in carrying out the provisions of this act. The state controller shall draw warrants upon the state treasurer, payable out of said appropriation, in such amounts and at such times and in favor of such persons as the board of control may request, and the state treasurer shall pay the same.

Urgency
measure.

SEC. 6. The legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act shall go into immediate effect, by reason of the following facts, to wit: That unless a sufficient levee along the east side of the Sutter by-pass is constructed without delay, the effect of the levees and other works already constructed under public authority along the west side of the Sutter by-pass and the south side of the Tisdale by-pass will be to cause the spring floods of the year 1919 to overflow and greatly damage a large area of valuable land east of the Sutter by-pass, and to imperil the health and safety of the inhabitants thereof; that the plans of the state for flood control in the Sutter basin contemplate the construction of the east levee of the Sutter by-pass, and that the construction of this levee has been commenced, and in large part completed, by the reclamation board and paid for with warrants against said assessment. but the reclamation board is unable to obtain further prosecution of said work by the issuance of warrants in payment therefor; that without the passage of this act said work can not be further prosecuted until said assessment has been completed and approved and in part collected, which will be not earlier than six months from this time. That the provisions of this act will enable the reclamation board to complete said levee in time to protect said lands to the east of said by-pass, and the inhabitants thereof, against the damage and injury which would otherwise result from the spring floods of the year 1919: that the portions of said east levee already constructed at large expense will also suffer great damage and

injury unless the work is prosecuted diligently to completion. And it is hereby declared that this act constitutes an urgency measure which under the provisions of section one of article four of the constitution of the State of California shall go into immediate effect.

CHAPTER 8.

An act to add a new section to the Penal Code to be numbered eighteen a, providing for a minimum term of imprisonment in the state prison for the punishment of offenses declared to be felonies, punishable by imprisonment in the state prison in case where no different minimum punishment is prescribed by law.

[Approved March 25, 1919. In effect July 22, 1919.]

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

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

18a. Except in cases where a different minimum punishment is prescribed by law, for every offense declared to be a felony and punishable by imprisonment in the state prison, the minimum punishment shall be imprisonment in the state prison for not less than six months.

Minimum punishment for felony.

CHAPTER 9.

An act to amend sections seventeen and twenty-one of 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, as amended, and to add thereto a new section to be numbered three and one-half, authorizing the purchase and disposition of land for fire department use.

[Approved March 26, 1919. In effect July 22, 1919.]

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

SECTION 1. Section seventeen of the 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, as amended, is hereby amended so as to read as follows:

Stats. 1909, p. 1031.

Sec. 17. An election shall be held on the first Monday of April subsequent to the appointment of the fire commission-
Annual elections.

ers by the board of supervisors for the election of three fire commissioners who shall take office on the next succeeding Monday of the same month. Said commissioners shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding said first election, one thereof on the second Monday of April of the second year succeeding, and one thereof on the second Monday of April of the third year succeeding. On the first Monday of April of the year next succeeding said first election and on the first Monday of April of every year thereafter, an election shall be held for the election of one fire commissioner, who shall take office on the next succeeding Monday in the same month and shall hold office for the term of three years, or until his successor is elected and qualified; *provided*, that as to fire districts heretofore created under this act, the commissioners of which were elected prior to the date this amendment becomes operative, said commissioners at their first meeting after said amendment becomes operative shall classify themselves by lot so that one of their number shall go out of office on the second Monday of April of the year next succeeding, one thereof on the second Monday of April of the second year succeeding, and one thereof on the second Monday of April of the third year succeeding. Notice of such elections shall be given by the board of fire commissioners by posting in three public places within the fire limits for at least two weeks before the day of election. They shall also appoint the judges of election. The elections shall be conducted in accordance with the provisions of the general election laws of the State of California, excepting as in this act provided to the contrary.

SEC. 2. There is hereby added to said act approved March 4, 1881, as amended, a new section to be numbered three and one-half, and to read as follows:

Purchase of
land as site
for firehouse.

Sec. 3½. The board of fire commissioners so appointed by said board of supervisors, and their successors, are further authorized and empowered, in their discretion, to purchase or otherwise acquire land and to erect thereon a firehouse for purposes of housing the fire equipment and fire apparatus, or to purchase or otherwise acquire land already improved with a building thereon suitable for housing said equipment and apparatus, and to pay for said land, improved or unimproved, as the case may be out of the annual tax provided for under section nine of this act, or by special tax to be voted by the voters within the fire limits in the manner provided for by section fifteen of this act. Said board of fire commissioners may furthermore in their discretion submit to the qualified electors within said fire limits at a special election for that purpose, or at the annual election provided for in section seventeen of this act, the proposition whether or not land shall be purchased or otherwise acquired and a firehouse built thereon, or the proposition of whether or not land with a firehouse already thereon

Special
election.

shall be purchased or otherwise acquired, or both of said propositions, and in event of such submission the vote registered for or against the proposition or propositions so made to the voters shall be binding upon said board of fire commissioners. Said board of fire commissioners are further hereby empowered to sell or otherwise dispose of any such land, improved or unimproved, as the case may be, theretofore by them or by their predecessors acquired for firehouse purposes; *provided, however*, that if the same shall have been originally acquired pursuant to the vote of the electors within the fire limits, as herein permitted, then the same shall not be sold excepting by like vote of the electors within said limits. The proceeds derived from the sale of any such land or improvements thereon shall be exclusively devoted to the purchase of other land or other improvements. All real property acquired under the provisions of this section shall be conveyed to, and held in the name of, the "board of fire commissioners of the unincorporated town (or village) of _____" (naming said town or village).

Sale of land purchased as site for firehouse.

SEC. 3. Section twenty-one of said act approved March 4, 1881, as amended, is hereby amended so as to read as follows:

Stats. 1909, p. 1031.

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, and they may order the clearing of land or the removal therefrom of dry grass, stubble, brush, rubbish, litter, or other inflammable material, if, in their judgment, said inflammable material endangers the public safety by creating a fire hazard.

Regulation of chimneys, etc.

CHAPTER 10.

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

[Approved March 25, 1919. In effect July 22, 1919.]

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

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

Counties of 31st class, salaries of officers.

4260. In counties of the thirty-first class the county and township officers shall receive, as compensation for the services

required of them by law and by virtue of their offices, the following salaries and fees, to wit:

County clerk.

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may hereafter be allowed by law; and in each year in which a new and complete registration of voters is required by law he shall receive such an 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, and such an amount as shall be necessary to pay deputies in the office for enrolling the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be nine hundred dollars per annum, payable as the salaries of county officers are paid.

Sheriff.

2. The sheriff, six thousand dollars per annum.

Recorder.

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 one month so collected; *and provided*, that in counties of this class the recorder may appoint two deputy recorders for service in his office, which offices of deputies for the county recorder are hereby created, and said deputies shall receive as compensation for their services the sum of nine hundred 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.

Auditor.

4. The auditor, two thousand dollars per annum; he may also appoint a deputy auditor, which office of deputy auditor is hereby created, whose salary shall be seventy-five dollars per month, payable as the salaries of all other county officers are paid. The provisions of this subsection do not increase the compensation of a county officer and shall take effect immediately.

Treasurer.

5. The treasurer, two thousand dollars per annum; *and provided*, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service the sum of nine hundred dollars 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 treasurer is paid.

6. The tax collector, one thousand dollars per annum; *provided*, that said tax collector shall perform the duties and receive and retain for his own use, the fees provided by law for the license tax collector. Tax collector.

7. The assessor, four thousand two hundred fifty dollars per annum; *provided*, that in counties of this class the assessor may appoint a field deputy, which office of field deputy is hereby created, who shall hold office from the first day of March of each year up to and including the last day of July of each year. The salary of said field deputy herein provided for is fixed at the sum of one hundred fifty dollars per month, to include expenses for each month during which the said field deputy holds office, as herein provided. The salary of said field deputy shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid. Assessor.

8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid. District attorney.

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

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

11. The superintendent of schools, one thousand eight hundred dollars per annum, including services on the 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 salary 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. Superintendent of schools.

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, in addition thereto all necessary expenses and transportation on work performed in the field. Surveyor.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination. Justices of peace.

Townships having a population of five thousand eight hundred or more shall belong to and be known as townships of the first class; townships having a population of four thousand and less than five thousand eight hundred shall belong to and be known as townships of the second class; townships having

Justices
of peace.

a population of three thousand and less than four thousand shall belong to and be known as townships of the third class; townships having a population of two thousand two hundred and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of one thousand seven hundred and less than two thousand two hundred shall belong to and be known as a township of the fifth class; townships having a population of one thousand two hundred and less than one thousand seven hundred shall belong to and be known as townships of the sixth class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the seventh class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the eighth class; townships having a population of less than three hundred shall belong to and be known as townships of the ninth class.

Justices of the peace shall receive the following salaries: In townships of the first class, the sum of nine hundred dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of nine hundred dollars per annum; in townships of the second class, the sum of seven hundred eighty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of seven hundred eighty dollars per annum; in townships of the third class, the sum of six hundred sixty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of six hundred sixty dollars per annum; in townships of the fourth class, the sum of six hundred dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of six hundred dollars per annum; in townships of the fifth class, the sum of three hundred twenty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of three hundred twenty dollars per annum; in townships of the sixth class, the sum of two hundred forty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the seventh class, the sum of one hundred eighty dollars for the period beginning with the date upon which this act becomes effective and ending with December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the eighth class, the sum of one hundred twenty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the ninth class, the sum of sixty dollars for the period beginning with the date upon which this act becomes effective and ending

December 31, 1915, and thereafter a salary of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. The constable shall receive the following fees, to wit: Constables.
For serving summonses 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 summonses, 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 summonses, complaint 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 a certificate of sale, one dollar; for executing and delivering constable's deeds, 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 a 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 traveled outside his county in making criminal arrests, both going and returning from the 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 if 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.

Supervisors.

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 a 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. The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided*, that the full amount of expenses incurred shall not exceed six hundred dollars in any one year, to be allowed as any other claim by the board of supervisors.

Probation officer.

16. The probation officer, one thousand two hundred dollars per annum; *provided, further*, that said probation officer shall devote his entire time to the performance of the duties of said office.

Jurors.

17. 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 residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

CHAPTER 11.

An act to amend section two thousand six hundred forty-three of the Political Code, relating to the powers of boards of supervisors respecting roads.

[Approved March 25, 1919. In effect July 22, 1919.]

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

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

Powers of supervisors over roads.

2643. The boards of supervisors of the several counties of the state shall have general supervision over the roads within their respective counties. They must by proper order:

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided.

2. Cause to be recorded as highways all highways which have become such by usage, dedication or abandonment to the public, or by any other means provided by law, and to prepare and record proper deeds and titles thereto.

3. Abolish or abandon such as are not necessary.

4. Acquire the right of way over private property for the use of public highways, and for that purpose require the district attorney to institute proceedings, under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the general road fund or the district road fund of the county.

Right
of way.

5. Levy a property tax for road purposes.

6. Cause to be erected and maintained, at the intersections and crossings of highways, guideposts, properly inscribed.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the county treasurer in separate funds.

Apportion-
ment of
taxes.

8. Audit all claims on the funds set apart for highway purposes, and specify the fund, or funds, from which the whole or any part of any claim, or claims, must be paid.

9. In their discretion, they may provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered.

Gates.

10. For the purpose of sprinkling the roads in any part of the county with oil or water, the board of supervisors may erect and maintain waterworks and oil tanks and reservoirs, and for such purposes may purchase or lease real or personal property. The costs of such waterworks, oil tanks and reservoirs and the sprinkling of said roads with oil or water may be charged to the general county fund, the general road fund, or the district fund of the district or districts benefited.

Sprinkling.

Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the public convenience and necessity demand the acquisition or construction of a new road in excess of three miles in length or the grading, regrading, paving or macadamizing of any existing road, in excess of three miles in length, and that the cost of such new road when acquired and constructed, or the cost of grading, regrading, paving or macadamizing such existing road, will be too great to pay out of any of the road funds of the county, the board of supervisors may, by resolution passed by a four-fifths vote of said board, determine to acquire or construct such new road, or grade, or regrade, pave, or macadamize such existing road, and if the cost of such new road when constructed, or the cost of grading, regrading, paving or macadamizing such existing road, when completed, shall exceed three thousand dollars, such cost may be charged to the general county fund, the general road fund or the district fund of the district or districts benefited.

Roads may
be paid for
out of
general fund.

Surveyor to submit estimate.

11. Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling, or other work upon highways is necessary, and is to be done, and where the estimated cost of such work amounts to more than one thousand dollars, the board of supervisors must, by proper order, direct the county surveyor to make definite surveys of the proposed work, and to prepare profiles and cross-sections thereof, and to submit the same with the estimate of the amount or amounts of work to be done, and cost thereof, and with specifications thereof. Said report shall be prepared in duplicate, one copy to be filed in the surveyor's office, and the other to be filed with the clerk of the board of supervisors.

Advertising for bids.

The board upon receipt of such report must advertise for bids for the performance of the work specified. Such advertisement for bids must be published prior to the day fixed for the opening of bids for at least once a week for a period of two weeks in a newspaper of general circulation printed and published in the county.

Form of advertisement.

Such advertisement shall be in substantially the following form :

“Office of the clerk of the board of supervisors,
----- county, -----, 19--

Scaled bids will be received by the clerk of the board of supervisors of ----- county, at his office, until ----- o'clock --m., -----, -----, 191--, for -----, on -----, in ----- district, in ----- county.

Specifications for this work are on file in the office of the said board, to which bidders are hereby referred.

Clerk of the board of supervisors of
the county of -----.”

Bids must be inclosed in sealed envelope, addressed to the clerk of the board of supervisors, and must be indorsed, “Bids for -----,” and must be delivered to said clerk prior to the hour specified in the advertisement. The board shall publicly open and read such bids as may be submitted, and must award the contract for the work to the lowest bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected, and the work ordered done by the road commissioner, or commissioners, in whose district or districts the work may be situated. In case the work shall be let by contract, monthly or quarterly payments may be made thereon upon the receipt of a certified estimate by the county surveyor of the amount of work done during the preceding month or quarter, to the extent of seventy-five per cent of the value of said work, the remaining twenty-five per cent being due on the completion of the work.

Upon the completion of the work, the county surveyor must examine the same, and if completed in accordance with

the specifications thereof, he must submit to the board of supervisors a certificate over his signature and official seal to the effect that such work by the contractor therefor, has been completed in accordance with the specifications therefor, and recommending its acceptance. The board shall thereupon audit the same and direct its payment out of the proper fund or funds.

12. In their discretion, they may set apart on any public road or highway a strip of land for a side path, and make an order designating the width of such path and cause the lines separating the path from the road to be located and marked by stakes or posts, placed at such distances apart as they shall deem proper. After said paths have been set apart, and the lines separating the same from the road have been located and marked, as aforesaid, the use of the same is hereby restricted to pedestrians and riders of bicycles and other vehicles propelled solely by the power of the rider. Side paths.

Expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

13. The boards of supervisors of any county in the state may by and through an ordinance duly passed permit the use of any of its public highways connecting with any main public highway of an adjoining county by the board of supervisors or highway commissioners of such adjoining county, for the purpose of constructing and maintaining thereon a highway or boulevard serving the needs of residents of both counties; and the board of supervisors of any such adjoining county, if it accepts the provisions of the ordinance adopted by the board of supervisors of the county granting the use, shall have the power to construct and maintain any such highway or boulevard, or to construct or maintain such bridge or bridges on such highway or boulevard as it may deem necessary, or to macadamize, pave, curb or gutter such highway or boulevard in such manner as it may determine, and the cost or expense thereof shall be paid out of the general fund of the county treasury, or such other fund as the board of supervisors may designate, or which shall otherwise be provided, of the county to which the use is granted. The board of supervisors of any counties proceeding under the provisions of this act may acquire real property adjacent to such public highway in an adjoining county for county purposes, and may expend thereon such funds as said board of supervisors shall deem necessary for county purposes. The boards of supervisors of any counties proceeding under the provisions of this act may by mutual consent, expressed through ordinances of the respective boards, retransfer the use, control, maintenance and jurisdiction of any highway or boulevard constructed under the provisions hereof to the county originally granting the use. Use and control of highways in adjoining counties.

CHAPTER 12.

An act providing for an investigation by the legislative counsel of laws relating to roads, streets, highways and bridges, and for the submission of a report thereon to the governor for presentation to the legislature.

[Approved March 25, 1919. In effect July 22, 1919.]

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

Report on
road laws by
legislative
counsel.

SECTION 1. The legislative counsel is hereby directed to investigate and study the existing laws of this and other states relating to roads, streets, highways and bridges, and to prepare a report, accompanied by a draft of an act or acts, codifying and perfecting the laws of this state relating thereto. Such report shall be printed by the superintendent of state printing and shall be submitted to the governor on or before the first day of November in the year 1920, and shall be presented by him to the legislature at the opening of its forty-fourth session.

CHAPTER 13.

An act to validate bonds of Coachella valley storm water district of Riverside county, California, and all proceedings relating thereto.

[Approved March 31, 1919. In effect July 22, 1919.]

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

Coachella
valley storm
water district
bonds
validated.

SECTION 1. Bonds in the amount of three hundred thousand dollars of the Coachella valley storm water district of Riverside county, California, and all the acts and proceedings of said District and of the Board of Trustees thereof, and of the Board of Supervisors of Riverside county, California, and of the officers of said county, leading up to and including the authorizing and issuance of said bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and said bonds when issued and sold shall be, and are hereby, declared to be legal and valid obligations of said district, and the faith and credit of said district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, and said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings leading up thereto.

CHAPTER 14.

An act to add a new section to be numbered nine mm to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended.

[Approved March 31, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to an act entitled Stats. 1911, p. 30. "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered nine mm and to read as follows:

Sec. 9mm. In counties of the thirty-ninth class the salary of the county librarian shall be one thousand five hundred dollars per annum. Counties of 39th class, salary of librarian.

CHAPTER 15.

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

[Approved April 4, 1919. In effect July 22, 1919.]

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

SECTION 1. Section eight hundred fifty-two of an act entitled Stats. 1913, p. 31. "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

852. The members of the board of trustees and the clerk and treasurer shall be elected by the qualified electors of said city or town at a general municipal election. Such a general municipal election shall be held therein on the second Monday in April in each even numbered year. Members Elections. of the board of trustees and the clerk and the treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Term of trustees. The respective terms of the members of the first board of trustees elected

Appoint to
officers.

under the provisions of this section shall be determined as follows: the two members elected by the highest number of votes shall hold office for four years, and the three members elected by the lowest number of votes shall hold office for two years. In the event that two or more persons should be elected by the same number of votes, the respective terms of each shall be decided by lot. The board of trustees shall appoint the marshal and the recorder; they may also, in their discretion, appoint an attorney, a superintendent of streets, a civil engineer, and such other subordinate officers as in their judgment may be deemed necessary, and fix their compensation. Said officers shall hold office during the pleasure of said board.

CHAPTER 16.

An act to amend section four thousand two hundred seventy-two of the Political Code, relating to the salaries, fees and mileage of officers and of grand and trial jurors in counties of the forty-third class.

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

Counties of
43d class,
salaries of
officers.

4272. In counties of the forty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, one thousand nine hundred twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand two hundred dollars per annum, which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county.

Recorder.

3. The recorder, one thousand two hundred dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; and one deputy, whose office is hereby created, to be appointed by the recorder, who shall receive a salary of nine hundred dollars per annum. The salary of

said deputy shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The board of supervisors is hereby authorized to employ such number of copyists at such salaries and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county.

4. The auditor, six hundred dollars per annum.

Auditor.

5. The treasurer, one thousand eight hundred sixty dollars per annum.

Treasurer.

6. The tax collector, seven hundred dollars per annum.

Tax collector.

7. The assessor, two thousand four hundred dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of twelve months, beginning on the first Monday in January in each year at the rate of one hundred dollars per month, and one of whom shall be paid by the county for the term of four months, beginning on the first Monday in March in each year, at the rate of one hundred dollars per month, and one of whom shall be paid by the county at the rate of one hundred dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of two thousand eight hundred statements, and said extra deputies shall each serve four months in each year, at the will of the assessor, and shall be paid each one hundred dollars per month. All salaries of deputies as above provided, shall be paid in the same manner and at the same time as the salary of the assessor is paid. All commissions allowed by law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.

Assessor.

8. The district attorney, one thousand eight hundred dollars per annum.

District attorney.

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

Coroner.

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

Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and

Justices of peace.

Justices
of peace.

out of the same fund as county officers are paid, which shall be in full for all services rendered by them. In townships having a population of more than four thousand, ninety dollars per month; in townships having a population of less than four thousand and more than two thousand three hundred, seventy-five dollars per month; in townships having a population of less than two thousand three hundred and more than one thousand five hundred, thirty dollars per month; in townships having a population of less than one thousand five hundred and more than six hundred, twenty dollars per month; in townships having a population of less than six hundred, fifteen dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law.

Constables.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, thirty-five dollars per month; in townships having a population of less than four thousand and more than two thousand, fifteen 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 hereafter be allowed by law for all services performed by him in civil actions.

Supervisors.

15. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside of the county.

Board of
education.

16. Each member of the county board of education, including the secretary, shall receive one hundred fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile, one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred seventy.

Jurors.

17. In counties of this class grand and trial jurors in the superior court shall receive three dollars per day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto shall receive

for each mile actually traveled, in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

18. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

Population
of townships.

CHAPTER 17.

An act to add a new section, to be known as nine ccc, to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911.

[Approved April 4, 1910. In effect July 22, 1910.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, to be numbered nine ccc and to read as follows:

Stats. 1911,
p. 80.

Sec. 9ccc. In counties of the fifty-fifth class the salary of the county librarian shall be one thousand two hundred dollars per annum.

Counties of
55th class.
salary of
librarian.

CHAPTER 18.

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

[Approved April 4, 1910. In effect July 22, 1910.]

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

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

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them

Counties of
55th class.
salaries of
officers.

by law, or by virtue of their offices, the following salaries, to wit:

- | | |
|----------------------------|---|
| County clerk. | 1. The county clerk, two thousand dollars per annum. |
| Sheriff. | 2. The sheriff, three thousand dollars per annum. |
| Recorder. | 3. The recorder, one thousand dollars per annum. |
| Auditor. | 4. The auditor, one thousand dollars per annum. |
| Treasurer. | 5. The treasurer, one thousand five hundred dollars per annum; <i>provided</i> , that all fees and commissions now allowed by law or which may hereafter be allowed by law to said treasurer by virtue of the said office shall be paid into the county treasury. |
| Tax collector. | 6. The tax collector, one thousand two hundred dollars per annum. |
| Assessor. | 7. The assessor, three thousand dollars per annum; <i>provided</i> , that all commissions and fees now allowed by law or which may hereafter be allowed by law to the said assessor on the collection of personal property taxes, road and hospital taxes, shall be paid into the county treasury. |
| District attorney. | 8. The district attorney, one thousand five hundred dollars per annum. |
| Coroner. | 9. The coroner, such fees as are now or may be hereafter allowed by law. |
| Public administrator. | 10. The public administrator, such fees as are now or may be hereafter allowed by law. |
| Superintendent of schools. | 11. The superintendent of schools, one thousand two hundred dollars per annum which said sum of one thousand two hundred dollars shall also be in full payment of the services of such superintendent of schools upon the board of education. |
| Surveyor. | 12. The surveyor, such fees as are now or may be hereafter allowed by law. |
| Justices of peace. | 13. In counties of this class the justices of the peace shall receive the following compensation, to wit:
(a) In townships having a population of one thousand or over, twenty dollars per month;
(b) In townships having a population of less than one thousand, ten dollars per month; <i>provided, however</i> , that the justice of the peace residing at the county seat shall receive twenty dollars per month, even when presiding as justice of the peace in townships having less than a population of one thousand. |

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

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

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. nineteen hundred ten. Population of townships.

14. The constables, such fees as are now or may be hereafter allowed by law. Constables.

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

16. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. Jurors.

The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 19.

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

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

4252. In counties of the twenty-third class, the county and township officers shall receive as compensation for services required of them by law, or by virtue of their office, the following salaries, to wit: Counties of 23d class. salaries of officers.

1. The county clerk, three thousand dollars per annum; County clerk provided, that he shall have power to appoint two deputies at salaries of one thousand five hundred dollars each per annum, payable at the same time and in the same manner as that of other county officers; and provided, further, that in every even-numbered year he shall have power to appoint one deputy 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; and further provided, that he shall receive six hun-

dred dollars per annum for compiling a great register and services performed in preparation for any and all elections; which shall be in full for all services required in registering voters and for all services performed in preparation for elections. The county clerk shall also receive and retain, for his own use and benefit, all fees and commissions which now are, or which may hereafter be allowed by law.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum; *provided*, that he shall have the power to appoint three deputies, which offices are hereby created, at a salary of one thousand five hundred dollars each per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive and retain in all civil cases for his own use and benefit, fees, commissions and mileage which now are or which may hereafter be allowed by law; and also all expenses incurred in the pursuit of criminals or transacting any criminal business. The sheriff shall also receive and retain for his own use and benefit mileage and fees for the service of process or papers issued by any court in the state.

Recorder.

3. The recorder, two thousand four hundred dollars per annum; *provided*, that he shall have the power to appoint one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand eighty dollars per annum, payable at the same time and in the same manner as that of other county officers.

Auditor.

4. The county auditor, two thousand four hundred dollars; *provided*, that he shall have the power to appoint one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of nine hundred dollars per annum; *and provided*, that in counties of this class there shall be and hereby is allowed to the county auditor, such additional assistants as the auditor may require during the months of July, September and December of each year, and whose compensation in the aggregate shall not exceed two hundred dollars in any one year.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as that of other county officers. The treasurer shall receive and retain for his own use the fees and commissions now or hereafter to be allowed him by law.

Tax collector.

6. The tax collector, two thousand four hundred dollars per annum; *provided*, he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and provided, further*, he shall have power to appoint one deputy during the months of August, September, October, November and December of each year, which office is hereby created, at

a salary of seventy-five dollars per month, payable at the same time and in the same manner as that of other county officers.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as that of other county officers, and said assessor shall also receive the commissions on the amount of personal property tax as is provided in and by section four thousand two hundred ninety of the Political Code and five cents per name for military roll.

8. The district attorney, two thousand four hundred dollars per annum, and his actual traveling expenses when prosecuting criminals, within the county; *provided*, that he shall have power to appoint two deputies, which offices are hereby created, one of said deputies to receive a salary of one thousand five hundred dollars per annum, and the other deputy to receive a salary of one thousand two hundred dollars per annum; the salary of each of said deputies to be payable in the same manner and at the same time as that of other county officers.

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 four hundred dollars per annum, and his actual traveling expenses when visiting schools of the county; *provided*, that he shall have the power to appoint one deputy, which office is hereby created, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and provided*, that he shall not receive in any one year of his term of office, compensation for his services as secretary of the county board of education, in excess of two hundred dollars.

12. The surveyor, one thousand eight hundred dollars per annum, for all work performed for the county, and in addition thereto his actual necessary traveling and other expenses incurred in connection with field work, and cost of preparing maps, plats, block-books and tracings for the assessor when directed by him.

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: (1) in townships having a population of five thousand or more, one hundred thirty dollars per month; *provided*, that where there is now or may be hereafter created in such township more than one justice of the peace, the monthly salary of said two justices shall be each one hundred dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; (3) in townships having a population

Assessor.

District attorney.

Coroner.

Public administrator.

Superintendent of schools.

Surveyor.

Justices of peace.

of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, forty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty-five dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him.

Constables.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters: (1) in townships having a population of five thousand or more, seventy-five dollars per month; (2) in townships having a population of two thousand five hundred, and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred or less than two thousand five hundred, forty-five dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty dollars per month; (6) in townships having a population of less than five hundred, twenty 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 necessary traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters, when such service is in fact made, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest in the service of process, five cents per mile; and for transporting persons to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which now or may hereafter be allowed by law.

Supervisor.

15. The supervisors, each, the sum of one thousand two hundred dollars per annum, and twenty cents per mile for all distances actually traveled, in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

Phonographic reporter.

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

Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases.

17. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several townships shall be ascertained and determined by the board of supervisors by multiplying by three and one-half, the vote cast for presidential electors in each township at the next preceding election therefor.

Population
of townships.

CHAPTER 20.

An act to add to the Political Code a new section to be numbered four thousand two hundred forty-nine a, relating to the fees of grand jurors and trial jurors of counties of the twentieth class.

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

4249a. In counties of this class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

Counties of
20th class,
salaries of
jurors.

CHAPTER 21.

An act to amend section three thousand seven hundred forty-six of the Political Code, relating to published notices of tax collector.

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

3746. On or before the third Monday in October, the tax collector must publish a notice specifying:

1. That the taxes on all personal property secured by real property, and one-half of the taxes on all real property, will be due and payable on the third Monday in October, and will be delinquent on the first Monday in December next there-

Publication
of collector's
notice that
taxes are
due, etc.

Publication
of collector's
notice that
taxes are
due, etc.

after, at five o'clock p.m., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if said one-half be not paid before the last Monday in April next, at five o'clock p.m., an additional five per cent will be added thereto. That the remaining one-half of the taxes on all real property will be payable on and after the second Monday in January next, and will be delinquent on the last Monday in April, next thereafter, at five o'clock p.m., and that unless paid prior thereto, five per cent will be added to the amount thereof.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made.

CHAPTER 22.

An act to amend section three thousand seven hundred fifty-eight of the Political Code, relating to tax collector's settlement with the county auditor.

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

Entry of
penalty for
delinquency.

3758. On the third Monday in December of each year, in each of the counties, and cities and counties of this state, the tax collector must attend at the office of the auditor with the assessment book, having all items of taxes collected marked "paid." The auditor shall thereupon compute and enter against all the items of taxes due and unpaid the penalty for delinquency, foot up the total amount of penalties then due, and must, within ten days thereafter, deliver to said tax collector the assessment book and charge him with the amount of said penalties.

CHAPTER 23.

An act to amend section three thousand seven hundred fifty-nine of the Political Code, relating to completion of delinquent tax list.

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

3759. On the fourth Monday in May of each year, in each of the counties, and cities and counties of this state, the tax collector must attend at the office of the auditor with the assessment book, having all items of taxes and penalties collected marked "paid," and at the same time he shall deliver to the auditor a complete delinquent list of all persons and property then owing taxes. When delinquent list must be completed.

CHAPTER 24.

An act to amend section three thousand seven hundred sixty-four of the Political Code, relating to publication of delinquent tax list.

[Approved April 4, 1919. In effect July 22, 1919.]

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

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

3764. On or before the eighth day of June of each year, the tax collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes, penalties, and costs due, opposite each name and description, with the taxes due on personal property, the delinquent state poll, road and hospital tax, the taxes due each school, road, or other lesser taxation district, added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person; *provided, however,* that before publication of said list the tax collector and auditor shall jointly arrange said list in such manner that said publication shall designate in some particular manner the property contained in said list which was sold to the state five years previous under the provisions of section three thousand seven hundred seventy-one of this code, on which the taxes remain unpaid, or which Annual publication of delinquent tax lists. Arrangement of lists.

property has not been redeemed or the sale thereof canceled, and which property the state would otherwise be entitled to a deed thereof after the lapse of five years from said previous sale.

CHAPTER 25.

An act to recognize and declare valid all proceedings in drainage district number one hundred of Butte county.

[Approved April 4, 1919. In effect July 22, 1919.]

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

Drainage
district
No. 100.
Butte
county,
validated.

SECTION 1. Drainage district number one hundred of Butte county, as formed by the board of supervisors of the county of Butte, State of California, and as now existing, is hereby recognized and declared valid and all proceedings on the organization and formation thereof are hereby approved and in all respects declared valid.

CHAPTER 26.

An act to recognize and declare valid all the proceedings in the Jacinto irrigation district.

[Approved April 4, 1919. In effect July 22, 1919.]

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

Jacinto
irrigation
district
validated.

SECTION 1. The Jacinto irrigation district as formed by the board of supervisors of the county of Glenn, State of California, and as now existing, is hereby recognized and declared valid, and all the proceedings on organization and formation are hereby approved and in all respects declared valid.

CHAPTER 27.

An act authorizing suits against the State of California concerning real property purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, and of an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870, and of an act

entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also, an act approved April 1, 1870," approved March 30, 1874.

[Approved April 4, 1919. In effect July 22, 1919.]

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

SECTION 1. In all cases where the State of California has sold any salt marsh and tidelands under the provisions of the following named acts or of any of them, to wit: "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, and an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870, and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also, an act approved April 1, 1870," approved March 30, 1874, to any person or persons and the person or persons purchasing said lands has paid all of the installments required to be paid by him or them on the purchase price thereof prior to the enactment of an act entitled "An act to abolish the state board of tideland commissioners, and to repeal sections three hundred sixty-five and six hundred ninety-eight of the Political Code," approved February 4, 1876, and where no deed was ever executed and delivered to such purchaser or purchasers conveying to him or them the lands so purchased, or where such deed, if delivered, has been lost by such purchaser or purchasers or has never been recorded, the person or persons so purchasing said lands, or his or their successor or successors in interest, is and are hereby authorized to bring suit against the State of California in any court of said state of competent jurisdiction to quiet title to said land, or to 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 herein otherwise provided. If judgment be given against the state in any such suit, no costs can be recovered from the state thereunder.

Suits to quiet title to salt marsh and tidelands.

Deed lost or not recorded.

SEC. 2. The complaint filed in any suit brought under the provisions of this act shall contain a statement of the time, place and conditions of sale of the lands concerning which title is sought to be quieted, together with a statement of all moneys paid under the terms of said sale and the date of such payments.

Contents of complaint.

Limit of
action.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Attorney
general to
defend.

SEC. 4. Service of summons in such suits shall be made on the governor and surveyor general. It shall be the duty of the attorney general to represent the state in all such suits.

CHAPTER 28.

An act to amend section six hundred seventy-three of the Penal Code, relating to civil rights of convict.

[Approved April 8, 1919. In effect July 22, 1919.]

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

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

Suspension
of civil
rights.

673. A sentence of imprisonment in a state prison for any term less than life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment; *provided, however,* that in any such cases, if the person so sentenced be liberated from prison by parole under the terms and conditions of the parole laws of this state, that the board of prison directors or such other officials or official having power to grant paroles may permit to such person so paroled, civil rights, other than the right to act as a trustee, or hold public office, or exercise the privilege of an elector, during the term of such parole. The scope or extent of such civil rights shall be determined by such board of directors or other officials having control of such paroled person, either at the time the parole is granted or at such other time as, in the judgment of such board or official, is for the best interest of society and such paroled person.

Civil rights
of paroled
prisoner.

Record of
order.

The board of directors or other official having control of the matter of paroles shall, at the time of permitting such civil rights, make a permanent record thereof, and give such paroled person a duly authenticated copy of such order or orders, and such record shall be a public record for the benefit of all persons requiring information in that behalf.

CHAPTER 29.

An act to amend section six hundred seventy-four of the Penal Code, relating to civil death of person sentenced to state prison for life.

[Approved April 8, 1919. In effect July 22, 1919.]

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

SECTION 1. Section six hundred seventy-four of the Penal Code is hereby amended so as to read as follows:

674. A person sentenced to imprisonment in the state prison for life is thereafter deemed civilly dead; *provided, however*, that in any such cases, if the person so sentenced be liberated from prison by parole under the terms and conditions of the parole laws of this state, the board of prison directors, or such other officials or official having power to grant paroles may permit to such person so paroled, civil rights, other than the right to act as a trustee, or hold public office, or exercise the privilege of an elector, during the term of such parole. The scope or extent of such civil rights shall be determined by such board of directors or other officials having control of such paroled person, either at the time the parole is granted or at such other time as, in the judgment of such board or other official, is for the best interest of society and such paroled person. The board of directors, or other official having control of the matter of paroles, shall, at the time of permitting such civil rights, make a permanent record thereof, and give such paroled person a duly authenticated copy of such order or orders, and such record shall be a public record for the benefit of all persons requiring information in that behalf.

Civil death.
Civil rights of paroled prisoner.

Record of order.

CHAPTER 30.

An act to add a new section to the Code of Civil Procedure to be numbered one hundred three d, relating to justice's clerks in counties of the first class.

[Approved April 8, 1919. In effect July 22, 1919.]

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

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

103d. In any township in counties of the first class, where provision for the appointment of justice's clerks, their powers and compensation is not now provided for by law, the justice of

Counties of 1st class, justice's clerks.

Counties of
1st class,
justice's
clerks.

the peace may appoint a clerk, who shall receive no pay or compensation whatever from the state, county or body politic, and for whose acts the said justice so appointing such clerk shall be liable upon his official bond.

Such justice's clerk shall be authorized to administer oaths, take and certify affidavits; to issue and sign writs, summonses and all other process in any action or proceeding in the justice's court of the township for which they are appointed, or pending before any justice of the peace of said township, in the name of the justice before whom the same is pending or out of whose court the same is issued, which shall be substantially in the following form:

Justice of the Peace.

By-----
Clerk.

All legal papers of every kind in actions or proceedings in such justice's court and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace may be signed, issued or certified by said clerk, and all complaints, answers and other papers required to be filed in said justice's court may be filed with such justice's clerk, and such clerk shall be authorized and is empowered to make entry in the official docket and other books required to be kept by said justice of the peace, of the actions and proceedings in said court, and such clerk shall have all the powers of justice's clerks now or hereafter provided by law.

CHAPTER 31.

An act to add a new section to the Penal Code to be numbered six hundred twenty-nine a, relating to the protection of fish and game and providing additional penalties for the violation of the laws relating thereto.

[Approved April 8, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered six hundred twenty-nine a, and to read as follows:

Protectio
of fish near
fishway or
fish screen.

629a. Every person who takes, catches, kills or has in his possession any fish taken in any manner within two hundred fifty feet of any fishway, or within one hundred feet of the upper side of any fish screen, shall be guilty of a misdemeanor. Every person found guilty of violating any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or imprisonment in the county jail of the county in which the

Penalty.

conviction shall be had not less than ten days nor more than six months. All fines and forfeitures imposed or collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 32.

An act to recognize and declare valid all proceedings in Fair Oaks irrigation district.

[Approved April 8, 1919. In effect July 22, 1919.]

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

SECTION 1. Fair Oaks irrigation district, as formed by the board of supervisors of Sacramento county, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid.

Fair Oaks
irrigation
district
validated.

CHAPTER 33.

An act to amend the Civil Code by adding thereto a new section, to be numbered six hundred forty-seven a, relating to building and loan associations.

[Approved April 8, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered six hundred forty-seven a, and to read as follows:

647a. Any two or more building and loan associations may unite and become incorporated in one body, with or without any dissolution or division of the funds of either of them; or any such corporation, association or society may transfer its engagements, funds and property to any other like corporation, association or society upon such terms as may be agreed by an unanimous vote of their respective boards of directors, ratified by the written consent of the shareholders holding more than two-thirds of the shares in force in each of the respective contracting associations; *provided, however,* that any such consolidation or transfer must also be approved by the official or officials vested by law with powers of state supervision and license.

Consolidation
of building
and loan
associations.

Consent of
shareholders.

Approval.

CHAPTER 34.

An act to amend section six hundred twenty-six of the Penal Code and to repeal section six hundred twenty-six a of the same code, both relating to the protection of game.

[Approved April 8, 1919. In effect July 22, 1919.]

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

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

Protection
of ducks,
geese, etc.

Valley quail,
rabbits.

Mountain
quail.

Grouse.

Doves.

Sage hens.

Rabbits.

626. Every person who between the first day of February and the fifteenth day of October, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any kind of wild duck, or goose, or brant or mud hen or gallinule, or Wilson snipe; or who, at any time hunts, pursues, takes, kills or destroys or has in his possession any rail, or wood duck or wild pigeon or any shore bird, except Wilson snipe, or any sandhill crane, whooping crane or little brown crane; or who, between the first day of February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any desert or valley quail, or cottontail or brush rabbits; or who, between the first day of December and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession any mountain quail; or who, between the fifteenth day of October and the fourteenth day of September, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession any grouse; or who, between the first day of November and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any dove is guilty of a misdemeanor; or who, between the first day of October and the fourteenth day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any sage hen, is guilty of a misdemeanor; *provided*, that in fish and game district four every person who at any time hunts, pursues, takes, kills or destroys or has in his possession, any sage hen is guilty of a misdemeanor; *provided, further*, that in fish and game districts numbers two, three and four and any fish and game districts lying between the northern boundary of Mendocino county and the southern boundary of San Diego county, every person, who, between the first day of February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession, any mountain quail is guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit the hunting, pursuing, taking, killing or destroying of any cottontail or brush rabbit by the owner or tenant of any

premises, or by any person authorized in writing by such owner or tenant, but the rabbits so hunted, pursued, taken, killed or destroyed shall not be shipped or sold during the closed season.

SEC. 2. Section six hundred twenty-six *a* of the Penal Code is hereby repealed. Repealed.

CHAPTER 35.

An act to amend sections five, six, twenty-four, twenty-five, and twenty-six of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three, and twenty-four of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, and amended and approved May 29, 1917.

[Approved April 8, 1919. In effect July 22, 1919.]

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

SECTION 1. Section five of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three, and twenty-four of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, and amended and approved May 29, 1917, is hereby amended so as to read as follows:

Stats. 1917.
p. 1345.

Sec. 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least forty days prior to the primary election, if the candidate is to be voted for at the August primary election or the May presidential primary election, and at least twenty-five days prior to the primary election, if the candidate is to be voted for at a primary election other than the August or May primary

Method of
getting name
on ballot.

election, a nomination paper nominating such candidate shall have been prepared, circulated, signed, verified and left with the county clerk for examination, or for examination and filing, in the manner provided by this act.

Verification
deputies

2. (a) The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside in securing signatures to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk of the county or city and county in which such verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for filing or for examination as provided in subdivision four of this section. Said document shall be in substantially the following form:

Form of
document

I, the undersigned, a candidate for the _____ party nomination for the office of _____, which nomination is to be made by direct vote at a primary election to be held on the _____ day of August, 19____, do hereby appoint the following registered qualified electors of the county of _____, as verification deputies to obtain signatures in said county to a nomination paper placing me in nomination as a candidate of said _____ party for said office of _____.

VERIFICATION DEPUTIES.

Name.	Residence.
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

(Signature) -----
(Residence) -----

Filed in the office of the county clerk of _____ county this _____ day of _____, 19____.

_____, County Clerk.
By _____, Deputy.

Additional
deputies.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a judicial, school, county, township or municipal office, the words "_____ party," and the words "of said _____ party," shall be omitted from said document. Or, as an alternative to the foregoing portion of

this section and subdivision, verification deputies may be appointed in behalf of a candidate as follows:

2. (b) Any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination to any office to be voted on in such county or city and county at the next ensuing primary election, and in appointing verification deputies to serve within such county or city and county in securing signatures to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five of the registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The signatures of the said five qualified electors shall be verified free of charge before any officer authorized to administer an oath, and the document containing such signatures shall be filed with the county clerk of the county or city and county in which said five qualified electors reside, at or before the time the nomination paper of the candidate is left with the county clerk or registrar of voters for filing or for examination as provided in subdivision four of this section. In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

Five electors may propose candidate.

Consent of candidate.

State of California, }
 County of-----} ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of -----, State of California, and that we are each registered as intending to affiliate with the ----- party and we do hereby propose -----, who resides at No. -----, ----- street in the city of (or in the town of) -----, county of -----, as a candidate for the nomination of such party for the office of -----, to be voted for at the primary election to be held on the ----- day of August, 19---; and we do solemnly swear (or affirm) that said ----- has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the nomination paper of said ----- to said office of -----.

Form of nomination paper.

VERIFICATION DEPUTIES.

Form of nomination paper.

Name.

Residence.

-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

etc.

etc.

(Signed)

Name.

Residence.

-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

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

(Seal)

Notary public (or other official).

Additional deputies.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of said candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a judicial, school, county, township, or municipal office, the provisions of this subdivision shall apply, except that the five qualified electors shall make no statement of their party affiliation and may be affiliated with different parties or with no party; and the candidate proposed for nomination shall not be so proposed as the candidate of any party.

Obtaining signatures to nomination papers.

3. Verification deputies appointed as provided in subdivision two of this section to obtain signatures to the nomination paper of any candidate for any office to be voted for at any primary election, may, at any time not more than sixty-five days nor less than forty days prior to such election, obtain signatures to such nomination paper of such candidate for such office; each signer of a nomination paper shall sign but one such paper for the same office, except that in case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to such office, and such act on the part of such elector shall not be deemed in conflict with the signer's statement hereinafter provided. In the case of primary elections other than August primary elections or May presidential primary elections, signatures may be obtained not more than forty days nor less than twenty-five days prior to such election.

He shall also declare his intention to support such candidate for nomination, and shall add his place of residence, giving his street and number if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he is proposed for nomination. Each section shall bear the name of the city or town, if any, and also the name of the county or city and county, in which it is circulated, and only qualified electors of such county or city and county, registered as intending to affiliate with the political party by which the nomination is to be made shall be competent to sign such section. Any section circulated within any incorporated city or town shall be signed only by registered qualified electors of such city or town. Each section shall be prepared with the lines for signatures numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any verification deputy obtaining signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such nomination paper so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are registered qualified electors, unless and until it is otherwise proven by comparison of such signatures with the affidavits of registration in the office of the county clerk or registrar of voters. Each section of the nomination paper, after being verified, shall be returned by the verification deputy who circulated it to one of the five electors by whom the said verification deputy was appointed; and in this manner all the sections circulated in any county shall be collected by said five electors of that county and shall be by them arranged for filing or for examination, as provided in subdivision four of this section, and shall then be by some one of them filed or left for examination and filing. In case said verification deputy was appointed directly by the candidate according to the provisions of subdivision two (a) of this section, the collecting, arranging, and filing, or leaving for examination and filing, of the sections of the nomination paper shall be done by the candidate, or on his behalf, instead of by

Presentation
in sections.

Affidavit of
deputies.

Sections
returned to
the electors

the "five electors" as hereinbefore provided. Each section of the nomination paper shall be in substance as follows:

Form of each section.

County of _____, city (or town) of _____ (if any).

Nomination paper of _____, candidate for _____ party nomination for the office of _____.

State of California, }
County of _____ } ss.

SIGNER'S STATEMENT.

I, undersigned, am a qualified elector of the city (or town) of _____, county of _____, State of California, and am registered as intending to affiliate with the _____ party; and I hereby nominate _____ who resides at No. _____ street, city of _____, county of _____, State of California, as a candidate for the nomination of the _____ party for the office of _____ to be voted for at the primary election to be held on the _____ day of August, 19____. I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

I furthermore declare that I have not signed the nomination paper of this candidate or any other candidate for office, as candidate of any other party at such primary election.

No.	Precinct	Signature	Residence	Date
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____
etc.	_____	_____	_____	_____

VERIFICATION DEPUTY'S AFFIDAVIT.

Deputy's affidavit.

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision two, section five of the direct primary law, as a verification deputy to secure signatures in the county of _____ to the nomination paper of _____ as candidate for the nomination of the _____ party for the office of _____; that all the signatures on this section of said nomination paper, numbered from one to _____ inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification deputy.

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

(Seal)

Notary public (or other official).

In the case of a nomination paper for any candidate for a judicial, school, county, township or municipal office, the provisions of this subdivision shall apply, except that no such nomination paper nor any section thereof shall contain the name of any political party and any nomination paper for any candidate for a judicial office, school office, county office, township office, or municipal office may be signed by any registered qualified elector of the county or city and county, whether registered as being affiliated with any, or with no, political party.

In case of judicial office, etc.

4. Prior to the filing of a nomination paper for any candidate, the sections thereof must be numbered in order and fastened together by cities or towns or portions of the county not included in such cities or towns, substantially in the manner required for the binding of affidavits of registration by the provisions of section one thousand one hundred thirteen of the Political Code; *provided*, that the sections of the nomination paper may be preceded by an index of precincts, arranged by cities, towns or outside territory in the numerical or alphabetical order of such precincts for each such city, town or outside territory and showing after the name or number of such precinct the numbers of the sections on which the names of the electors registered in such precinct are to be found, and after the number of each section, the number (in parenthesis) of times such names are to be so found on such section. Such index shall be in substantially the following form:

Arrangement prior to filing.

CITY OF -----

No. of precinct	Numbers of sections containing voters of precinct				Form of index.
1-----	1 (3 times)	2 (5 times)	3 (7 times)	etc.	
2-----	1 (4 times)	2 (0 times)	3 (6 times)	etc.	
etc.-----	etc.				

TOWN OF -----

etc.

OUTSIDE TERRITORY.

etc.

And *provided, further*, that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound together. The county clerk or registrar of voters of any county or city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard and mark "not sufficient" any name appearing on such paper or papers which does not appear in the same handwriting on an affidavit of registration

Candidates voted for in more than one county.

Examination by clerk.

in his office made on or before the date when such name was signed, or which, except in the case of nomination papers of candidates for judicial, school, county, township or municipal offices, the signers of which may be registered as of any or of no party, does not appear on said affidavit as intending to affiliate with the party named in such nomination papers. Such officer shall, within five days after any nomination papers are filed with him or left for examination, examine the same as herein provided, and affix thereto a certificate reciting that he has examined the same and stating the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the August primary election or the May presidential primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. All nomination papers which by this act are required to be filed in the office of the city clerk or secretary of the legislative body of any city or municipality shall be left with the county clerk or registrar of voters for examination, as above provided, at least twenty-five days prior to the primary election at which such nominations are to be made, and shall, with such certificate of examination attached, within five days after being so left be forwarded by such county clerk or registrar of voters to the city clerk or secretary of the legislative body of such city or municipality who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies in the office of such county clerk or registrar of voters, nor within one hundred feet of any election booth, polling place, or any place where registration of electors is being conducted. Each candidate on or before the thirty-fifth day prior to the August primary election or the May presidential primary election, or on or before the twenty-fifth day prior to any other primary election, shall file in the place where his nomination paper is required to be filed, as provided in section six of this act, his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of the office for which he is a candidate; that he will not before said primary election withdraw as a candidate for nomination and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision five of section six of this act. Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political

Time for filing.

Persons who may not verify signatures.

Statement of candidate.

party for the same office upon complying with the requirements of this act, but no person shall be entitled to become a candidate for more than one office at the same election. No more than one affidavit need be filed by any candidate, even though he is the candidate for nomination by more than one political party. In no case shall the secretary of state, county clerk, or city clerk, place the name of any candidate on this ballot or certify any such name to be placed thereon unless the requisite affidavit has first been filed as herein provided.

5. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed as follows: If the candidate is the candidate for an office to be voted on throughout the state, by not less than one-half of one per centum and not more than two per centum of the vote constituting the basis of percentage as defined in subdivision six of this section, of the party of the candidate seeking nomination, within the state; if the candidate is the candidate for an office to be voted on in some political subdivision of the state, but not throughout the state, by not less than one per centum nor more than two per centum of the vote constituting the basis of percentage, as defined in subdivision six of this section, of the party of the candidate seeking nomination within said political subdivision in which such candidate seeks nomination.

Number of
signatures
required.

6. Except in case of a candidate for nomination to a judicial, school, county, township or municipal office, the basis of percentage in each political party shall be the vote polled for such party's candidate for governor, at the last preceding November election at which a governor was elected, in the state or in that political subdivision for which the candidate is proposed for nomination; *provided*, that such candidate for governor was the candidate of such political party alone. If such party's candidate for governor was not the candidate of such party alone, the basis of percentage shall be the vote polled at said election by that one of such party's candidates voted on throughout the state who received the greatest number of votes of all of such party's candidates who were the candidates of such party alone. But if no candidate voted on throughout the state was the candidate of such party alone, then the basis of percentage shall be the vote polled at said election by that one of such party's candidates voted on throughout the state who received the greatest number of votes of all of such party's candidates who were the candidates of such party in conjunction with one or more other parties.

Basis of
percentage.

7. Whenever by rearrangement of political subdivisions of the state by any legislature, board of supervisors or other legislative body, the boundaries of such political subdivisions are changed, the vote polled for governor at the last preceding gubernatorial election by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the county clerk or registrar of voters of such county or city and county

In case of
change of
political
subdivision.

shall determine as nearly as possible such vote of each party in the new political subdivision by adding together for each party the vote for such party's candidate for governor in each of the former precincts which now are combined to make up such new political subdivision. If the change occurs outside the limits of any county or city and county, the secretary of state shall determine such vote of each party in such new political subdivision by adding together for each party the vote for such party's candidate for governor in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, shall also be ascertained the total vote at such election as is required to be determined by the provisions of subdivision eight of this section. Every political party qualified to participate in the primary election by the provisions of subdivision nine of section one of this act, for nomination by which party there shall have been filed nomination papers for one or more candidates containing a sufficient number of signatures, shall be entitled to a separate party ticket at the primary election; but all such party tickets must be alike in the designation of candidates for judicial, school, county, and township offices.

In case of
judicial
office, etc.

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

Independent
candidates.

9. Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section one thousand one hundred eighty-eight of the Political Code, as said section reads at the time of said nomination; except that a candidate for whom a nomination paper has been filed as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination as an independent candidate, or as a candidate named by a party central committee to fill a vacancy as provided in section twenty-five of this act, for the same office at the ensuing general election; and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of said section one thousand one hundred eighty-eight of the Political Code or of section twenty-five of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have

received for such office votes equal in number to the minimum number of signatures to the nomination paper which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of every person presenting the same for filing, the name of the candidate, the title of the office, the party, if any, and the time of filing.

Record of
papers filed.

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

Stats 1913,
p. 1391.

Sec. 6. All nomination papers provided for by this act shall be filed as follows:

Office in
which papers
must be filed.

1. For state officers, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from "hold-over senatorial districts" and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, delegates to state conventions from "hold-over senatorial districts" and members of the state senate and assembly, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to two per centum of the vote constituting the basis of percentage as provided in subdivisions five, six and eight of section five of this act, the officer with whom such papers are required to be filed shall not receive or file further sections of the nomination paper for the candidate named therein.

5. No more signatures shall be secured for any candidate than a number equal to three per centum of the vote constituting the basis of percentage as provided in subdivisions five, six and eight of section five of this act; *provided*, that if through miscalculation or otherwise, more signatures are secured than the said three per centum, all sections of the nomination paper containing signatures in excess of said three per centum must be sent to the candidate; and before any nomination paper is filed as provided in this section, the candidate must notify each signer of such excess sections that his name has not been used; and in the affidavit required to be filed in subdivision four of section five of this act, affiant must state whether he has complied with the provisions contained in subdivision five of section six of this act.

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

Stats. 1917,
p. 1358.

SEC. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other busi-

Party
conventions.

ness of the party as is not inconsistent with the provisions of the act.

State
conventions.

2. The candidates of each political party for congressional offices and for state offices, if any, except judicial and school offices, and such candidates for senate and assembly as have been nominated by such political party at the primary election, and in whose behalf nomination papers have been filed, together with the hold-over senators affiliated with and nominated by such political party at the election at which said hold-over senators were elected and one delegate chosen by such political party from each senatorial district not represented by a hold-over senator affiliated with and nominated by such political party at the election at which the hold-over senator was elected, shall meet in a state convention at the state capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election.

Platforms.

They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following day. They shall also proceed to elect a state central committee to consist

State central
committee.

of at least three members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Presidential
electors.

Membership
qualifica-
tions.

Membership in the state convention shall not be granted to a party nominee for a congressional office, state office, or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section five of this act; nor shall membership in such convention be granted to the nominee of any party if such nominee has not stated his affiliation with such party in his affidavit of registration used at such primary election; and, in every such case, a vacancy in the membership of such convention shall be deemed to exist; and any such vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. Each candidate who has received the nomination of more than one party for a congressional, state, or legislative office shall procure from the county clerk of the county in which he resides, a certificate stating the party with which

Certificate
stating
affiliation.

such candidate was affiliated thirty-five days before the date of the primary election, as shown by the affidavit of registration of such candidate in the office of such county clerk; and this certificate shall be the credentials of such candidate to membership in the convention of his party.

In any senatorial district represented by a hold-over senator there shall be chosen at such primary election by the electors of each political party, other than the party which the hold-over senator was affiliated with and nominated by, one delegate to the state convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a state senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used shall apply to a state senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

In district represented by hold-over senator.

In the event that there shall not have been filed any nomination paper for a candidate for any congressional or state office or office of senator or assemblyman or delegate from a hold-over senatorial district by the electors of any political party, or in the event that the nominee of any party for such office has not declared his affiliation with such party, as herein provided, or in the event of the death of the candidate prior to the convention, the vacancy thus created in the state convention of such party shall be filled as follows:

Filling vacancies.

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairman of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a congressional or state office, by appointment by the state central committee of such party.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairman of the several committees, as the case may be.

3. Each state central committee may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by 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

Executive committee.

the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

District
congressional
committee

4. The executive committee of the state central committee of each political party shall, in conjunction with each nominee for congress affiliated with such party, select a congressional committee for the district in which such nominee is a candidate. Such committee shall consist of not less than fifteen nor more than thirty-five members, and shall have charge and conduct of the campaign of such nominee, subject to the supervision of the state central committee of such party.

County
central
committee

5. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by such state central committee. In any city and county containing more than ten assembly districts the county central committee of such party shall be elected by each assembly district and shall consist of five members from each assembly district in such city and county. In all counties containing five or more assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each seven hundred votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected. In all counties containing less than five assembly districts the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: The number of votes cast in such supervisor district for such party's candidate for governor at the last general election at which such governor was elected shall be divided by one-twentieth of the number of votes cast for such governor in such county; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisor district. The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, compute the number of members of the county central committee allotted to each assembly district or supervisor district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section five of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected; but no candidate for county committeeman

shall be declared elected unless he shall have received votes equal in number to the minimum of signatures to the nomination paper which would have been required to place his name on the primary ballot as a candidate for member of the county committee. Each county central committee shall meet in the courthouse at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

6. No person shall be eligible for appointment or election to the state, county or district committee of any party who is not registered as affiliated with such party at the time of such appointment or election. In the event of the appointment or election to any party committee of an ineligible person, or whenever any member of any such committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of such committee's party, a vacancy shall exist, which shall be filled by appointment by the chairman of the committee in which such ineligibility or vacancy occurs.

Persons
ineligibleFilling
vacancies

Sec. 4. Section twenty-five of said act is hereby amended to read as follows:

Stats. 1917,
p. 1361

Sec. 25. No candidate whose nomination papers have been filed for any primary election can withdraw as a candidate at such primary election. No candidate nominated at any primary election can withdraw as a candidate at the ensuing general election except such as are permitted to withdraw by this section. In case as a result of any primary election a person has received a nomination to any office without first having nomination papers filed, and having his name printed on the primary election ballot, he may at least thirty-one days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nomination papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides; and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision nine of section five of this act, or by reason of the failure of a party to nominate any candidate for the office at the primary election, or for any other cause shall not be filled except in the following cases:

Withdrawing
as candidateFilling
vacancies

1. By reason of the death of a candidate occurring at least twenty-five days before the date of the next ensuing November election.

2. By reason of the disqualification of a candidate occurring on account of the failure of such candidate to secure the

nomination in his own party as required by section twenty-three of this act.

Power of
committees.

Vacancies occurring by reason of such death of any candidate, or because of such disqualification imposed by section twenty-three of this act, may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which such vacancy occurs, in the county or counties comprising the legislative district of such deceased or disqualified candidate; and in the case of all other district or state offices requiring party nomination, by the newly selected state central committee of such party.

If such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, township, or municipal office according to the provisions of section twenty-three of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section twenty-three, shall go upon said ballot to fill said vacancy; *provided, however*, that if the vacancy occurs in a case where, by reason of having received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election, if there were such number, shall be placed upon the ballot for the November election; *and provided, further*, that a vacancy authorized to be filled by the provisions of this section shall be filled and certified to the officer charged with the duty of printing the ballots twenty-five days before the day of election.

Name
printed on
ballot.

Whenever a nomination paper containing a sufficient number of signatures has been filed for any person as a candidate to be voted for at a primary election, the name of such person must be printed upon the ballot or ballots of such primary election as hereinbefore provided in section twelve of this act, unless such person has died and such fact has been ascertained, by the officer charged with the duty of printing the ballot, at least twenty-five days before the day of election.

Whenever a candidate has been nominated at any primary election after having nomination papers filed, the name of such candidate must be printed upon the ballot at the ensuing general election unless such candidate has died and such fact has been ascertained, by the officer charged with the duty of printing the ballots, at least twenty-five days before the day of election.

Whenever, upon the death or disqualification of any candidate, the vacancy thereby created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a nomination paper for such office may be filed,

and shall be accepted and acted upon by him as in the case of such nomination paper.

SEC. 5. Section twenty-six of said act is hereby amended Stats 1913, p. 1408. to read as follows:

Sec. 26. In case of a tie vote, if for an office to be voted Tie vote. 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, at a time and place to be designated by said board, and such board shall at said time and place determine the tie by lot. In the case of a tie vote for an office to be voted on in more than one county, the secretary of state shall forthwith summon the candidates who have received such tie votes to appear before him at his office at the state capitol at a time to be designated by him and said secretary of state shall at said time and place determine the tie by lot. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration, at least five days before the date fixed for the determination of such tie vote.

CHAPTER 36.

An act to amend section three thousand five hundred seventy-one of the Political Code, relating to certificates of lands sold by but not owned by state.

[Approved April 8, 1919. In effect July 22, 1919.]

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

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

3571. If any land was not the property of the State of California, at the date application was filed therefor, or if the land applied for was swamp and overflowed land but the application became or was void by reason of the fact that the land had not been segregated, or if subsequent to March 20, 1889, any money has been accepted by the state as a part of or on account of the purchase price of any state land under an application or certificate of purchase which at the time of accepting such money had become invalidated by reason of an act of the legislature of the State of California entitled "An act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said state has at any time heretofore issued certificates of purchase to subsequent purchasers," approved March 20, 1889, the owner of such certificate of purchase or patent aforesaid may receive in exchange therefor, from the register of state land office, a certificate Certificates of lands sold by but not owned by state.

Amount to
be repaid.

showing the amount paid and the class of land upon which payment was made (if the land is lieu land or indemnity land the register's certificate shall not issue until the selection therefor is canceled by authority of the department of the interior), by conveying by quit claim deed to the State of California, all of his right, title and interest in and to said land; *provided, however,* that in all cases where money has been paid since the passage of said act of March 20, 1889, on account of the purchase price of lands where said certificates or applications, became invalidated by reason of said last mentioned act, the amount to be repaid as shown in the certificate to be issued by the register in exchange for the certificate of purchase, shall be only such amount as shall have been paid on account of the purchase price of such lands subsequent to the passage of said act of March 20, 1889.

Time no bar
to authority.

The authority of the said register to issue such certificate and likewise the authority of the auditor and controller to issue their warrants, as provided in section three thousand five hundred seventy-two of this code, shall not be barred by any period of time which may have elapsed since the issuance of the certificate of purchase or patent, but in the issuance of the certificate herein provided for, the said register shall first determine that the person applying for said certificate is the owner of the certificate of purchase or patent, and has not assigned or conveyed his interest therein or in the land therein described or any part thereof, and that it is a proper case for the issuance of a certificate as herein provided. A copy of a patent duly certified by the county recorder of any county where the same may have been recorded shall have the same force and effect as the original.

CHAPTER 37.

An act to amend section four hundred thirty-three of the Political Code, relating to duties of the controller.

[Approved April 8, 1919. In effect immediately.]

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

Duties of
controller

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

433. It is the duty of the controller:

1. To superintend the fiscal concerns of the state;
2. To report to the governor, before the fifteenth day of December next preceding each regular session of the legislature, a statement of the funds of the state, its revenues, and of the public expenditures during the two preceding fiscal years, together with a detailed estimate of the expenditures to be defrayed from the treasury for the two ensuing fiscal years,

specifying therein each object of expenditure, and distinguishing between such as are provided for by permanent or temporary appropriations and such as must be provided for by a new statute, and suggesting the means from which such expenditures are to be defrayed;

3. To accompany his biennial report with tabular statements, showing: (1) The amount of each appropriation for the two preceding fiscal years, the amounts expended, and the balance, if any; (2) the amounts of revenue chargeable to each county for such years, the amount paid and the amount unpaid or due therefrom;

4. When requested, to give information in writing to either house of the legislature relating to the fiscal affairs of the state or the duties of his office;

5. To suggest plans for the improvement and management of the public revenues;

6. To keep and state all accounts in which the state is interested;

7. To keep an account of all warrants drawn upon the treasurer, and a separate account under the head of each specific appropriation, showing at all times the unexpended balance of such appropriation;

8. To keep an account between the state and the treasurer, and therein charge the treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn on and paid by him;

Register of
warrants.

9. To keep a record of warrants showing the fund upon which they are drawn, the number, in whose favor, and the appropriation applicable to the payment thereof. Before delivering a warrant to the payee named therein, he shall, whenever requested to do so by the state treasurer, permit the state treasurer to indorse upon or attach to such warrant an order designating the place where such warrant may be paid. Such warrants may be made payable at the option of the treasurer, either at his office, or at some bank at which moneys of the state are deposited. Whenever any party is entitled to the payment of a sum greater than twenty thousand dollars, the controller shall, whenever requested to do so by the state treasurer, issue to such party several warrants aggregating the amounts due him in the amounts designated by the treasurer. Upon drawing a warrant in favor of any claimant the controller shall, unless otherwise requested, or unless for good and sufficient reasons, mail the same to the last known address of such claimant and the signature upon such warrant of the payee shall be sufficient receipt and legal evidence of the receipt of the money by said claimant;

10. To audit all claims against the state in cases where there are sufficient provisions of law for the payment thereof;

11. To examine and settle the accounts of all persons indebted to the state, and to certify the amount to the treasurer, and upon presentation and filing of the treasurer's receipt

Verification
of claims.

therefor to give such person a discharge and charge the treasurer therewith;

12. In his discretion to require any person presenting an account for settlement to be sworn before him, and to answer orally or in writing, as to any facts relating to it;

13. To require all persons who have received any moneys belonging to the state and have not accounted therefor to settle their accounts;

14. In his discretion to inspect the books of any person charged with the receipt, safekeeping, or disbursement of public moneys;

15. In his discretion, to require all persons who have received moneys or securities, or have had the disposition or management of any property of the state of which an account is kept in his office to render statements thereof to him; and all such persons must render such statement at such times and in such form as he may require;

16. To direct and superintend the collection of all moneys due the state, and institute suits in its name for all official delinquencies in relation to the assessment, collection, and payment of the revenue, and against persons who by any means have become possessed of public money or property and fail to pay over or deliver the same, and against all debtors of the state; of which suits the courts of Sacramento county have jurisdiction, without regard to the residence of the defendants;

Draw
warrants on
treasurer.

17. To draw warrants on the treasurer for the payment of moneys directed by law to be paid out of the treasury; but no warrant must be drawn unless authorized by law, and upon an unexhausted specific appropriation provided by law to meet the same. Every warrant must be drawn upon the fund out of which it is payable, and specify the specific appropriation applicable to the payment thereof;

18. To furnish the state treasurer with a list of warrants drawn upon the treasury;

19. To authenticate with his official seal all drafts and warrants drawn by him, and all copies of papers issued from his office;

20. To perform the duties of a member of the state board of equalization, and such other duties as are prescribed by law.

Urgency
measure.

SEC. 2. This act is hereby declared to be an urgency measure, and under the provisions of section one of article four of the constitution of the State of California shall take effect immediately upon approval. The facts constituting such urgency are as follows: July 1, 1919, is the date of the beginning of the next fiscal year, and the new form for state warrants for the coming year can not be put into effect for the year at that time because of the fact that under ordinary procedure a bill does not go into effect until ninety days after the adjournment of the legislature. It is, therefore, necessary for the immediate preservation of the public safety that these warrants be upon the new form prescribed in this measure.

CHAPTER 38.

An act to provide for the protection of fish and to prevent the introduction into this state of parasitized, infected or diseased fish, shellfish, mollusks, crustaceans, amphibians, aquatic plants or aquatic animal life, and declaring the same to be a public nuisance and authorizing the summary destruction of same; providing for a quarantine for the enforcement of this act, and making a violation of the terms of this act a misdemeanor and providing for a penalty therefor.

[Approved April 9, 1919. In effect July 22, 1919.]

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

SECTION 1. Any person, firm or corporation, who, for the purpose of propagation, receives, brings in, or causes to be brought into the State of California, any fish, shellfish, crustacean, amphibian, mollusk, or the ova of any fish, shellfish, crustacean, amphibian or mollusk, or any aquatic plant, or the seeds of any aquatic plant, from any state, district or foreign country, wherein any infected, diseased or parasitized fish, shellfish, crustaceans, amphibians, mollusks or aquatic plants are known to exist, or who carries or causes to be carried from one point in this state which has been posted according to the provisions of this act to any other point in this state any infected, diseased or parasitized fish, shellfish, crustacean, amphibian or mollusk, or the ova of any such infected, diseased or parasitized fish, shellfish, crustacean, amphibian or mollusk, aquatic plant or seeds of such aquatic plant; any person, firm or corporation who receives, brings or causes to be brought into the State of California for the purpose of propagation any fish, shellfish, crustacean, amphibian, mollusk, aquatic plant or the seeds of any aquatic plant or the ova of any fish, shellfish, crustacean, amphibian or mollusk before notifying the board of fish and game commissioners of the probable date of arrival of such fish, shellfish, crustacean, amphibian, mollusk, aquatic plant or the seeds of any aquatic plant, or who places or causes or suffers to be placed any fish, shellfish, crustacean, amphibian, mollusk, aquatic plant or the seeds of any aquatic plant or the ova of any fish, shellfish, crustacean, amphibian or mollusk, in or into any private or public waters of this state before inspection by the state fish and game commission, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars, or be imprisoned in the county jail of the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment.

Importation and transportation of diseased fish, etc.

Notice to commission.

Penalty.

All fines and forfeitures imposed and collected for any violation of any of the provisions of this act shall be paid into

the state treasury, to the credit of the fish and game preservation fund.

Inspection by
commission.

SEC. 2. The board of fish and game commissioners, or any deputy fish and game commissioner, is hereby authorized to enter at any time any car, warehouse, depot or upon any ship, within the boundaries of the State of California, whether in the stream, or at the dock, wharf, depot, mole, or any other place, where such fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants, or the seeds of any such aquatic plants, or ova of such fish, shellfish, mollusks, amphibians or crustaceans are held or stored, for the purpose of making an investigation or examination to ascertain whether such fish, shellfish, mollusks, amphibians or crustaceans, aquatic plants or the seeds of any aquatic plants, or ova of such fish, shellfish, mollusks, or amphibians are infected, diseased or parasitized.

Destruction
of diseased
fish, etc.

SEC. 3. If, after such examination or inspection of any of said fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants or the seeds of any aquatic plant, or ova of such fish, shellfish, mollusks, amphibians or crustaceans, the same are found to be infected, diseased or parasitized as aforesaid, then the same are hereby declared to be a public nuisance, and it shall be the duty of the state fish and game commissioners to summarily destroy said infected, diseased or parasitized fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants or the seeds of any aquatic plants, or ova of such fish, shellfish, mollusks, amphibians or crustaceans.

Reshipment
of diseased
fish, etc.

SEC. 4. If, after such examination or inspection of any of said fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants or the seeds of any aquatic plant, or ova of such fish, shellfish, mollusks, amphibians or crustaceans, such fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants, or the seeds of any aquatic plant, or ova of such fish, shellfish, mollusks, amphibians or crustaceans, shall be deemed to be deleterious to any fish, aquatic plant or aquatic animal life of this state, it shall be the duty of the owner, person, firm or corporation having charge or possession thereof to reship said fish, shellfish, mollusk, amphibian, crustacean, aquatic plant or seeds of any aquatic plant, or ova of such fish, shellfish, mollusks, amphibians or crustaceans, within the time ordered by the fish and game commission, or said fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants or seeds of any aquatic plant, or ova of such fish, shellfish, mollusks, amphibians or crustaceans, shall be destroyed by said fish and game commission.

Notice of
diseased
areas to be
posted and
published.

SEC. 5. If upon examination by the fish and game commission, infected, diseased or parasitized fish, shellfish, mollusks, amphibians, crustaceans, or aquatic plants, are found growing within this state, the said fish and game commission shall post notices describing as nearly as possible, the boundaries of such areas within which said infected, diseased or parasitized fish, shellfish, mollusks, amphibians, crustaceans, or aquatic

plants are found, and shall state the period during which the taking, carrying and transportation of said infected, diseased or parasitized fish, shellfish, mollusks, amphibians, crustaceans, or aquatic plants, from said area shall be unlawful. The fact of posting of said notices shall be published once a week for four successive weeks in some newspaper of general circulation in the county in which said infected area is situated, and, if there be no such newspaper in said county, then in a newspaper of general circulation published in an adjoining county.

The expense of any inspection or examination made necessary by the provisions of this act, shall be borne by the owner or owners of said fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants or the seeds of any aquatic plant, or ova of such fish, shellfish, mollusks, amphibians, and crustaceans, or the person or persons importing same into this state. Expense of inspection.

Each package containing such fish, shellfish, mollusks, amphibians, crustaceans, aquatic plants or the seeds of any aquatic plants, or ova of such fish, shellfish, mollusks, amphibians and crustaceans, must bear in a conspicuous place a tag containing the name and residence of the consignor and the name and residence of the consignee, and the exact contents of each package. Tag on package containing fish, etc.

SEC. 6. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed. Repealed.

SEC. 7. None of the provisions of this act shall apply to oysters. Oysters exempt

CHAPTER 39.

An act to amend an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide for county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, by adding a new section thereto to be numbered nine pp, relative to salaries of librarians.

[Approved April 9, 1919. In effect July 22, 1919.]

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

SECTION 1. An act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide for county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, is hereby amended by adding a new section to be numbered nine pp. Stats 1911, p 80.

Counties of
42d class.
salary and
expenses of
librarian.

Sec. 9pp. In counties of the forty-second class the county librarian shall receive one thousand eight hundred dollars per year, to be paid by such counties in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid, and shall also be allowed the actual and necessary traveling expenses incurred on the business of the office.

CHAPTER 40.

An act to change and modify the exterior boundaries of Reclamation District No. 900 as set forth and defined by an act of the legislature entitled "An act to create a reclamation district to be called 'reclamation district number nine hundred,' and providing for the control and management thereof," approved March 2, 1911.

[Approved April 9, 1910. In effect July 22, 1910.]

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

Stats. 1911,
p. 264.

SECTION 1. The exterior boundaries of Reclamation District No. 900 as defined and set forth by an act entitled "An act to create a reclamation district to be called 'reclamation district number nine hundred' and providing for the control and management thereof," approved March 2, 1911, are hereby changed and modified by excluding therefrom, and there is hereby excluded from the exterior boundaries of said reclamation district, the following described lands:

Boundaries
of Reclamation
District
No. 900.

Beginning at the northwest corner of section thirty-one, township eight north, range three east, Mount Diablo base and meridian; thence north $0^{\circ} 17'$ west one thousand five hundred seventy-six and four-tenths feet along the westerly boundary line of section thirty, township eight north, range three east, to the southerly boundary line of levee right of way of the south levee of Reclamation District No. 900; thence easterly along the southerly boundary line of said levee right of way to the easterly boundary line of the southwest quarter of said section thirty; thence southerly along the easterly boundary of said southwest quarter of said section thirty and along the easterly boundary line of the northwest quarter of said section thirty-one to the southeast corner of the north half of the northwest quarter of said section thirty-one; thence westerly along the southerly boundary of the north one-half of the northwest quarter of said section thirty-one, to the westerly boundary line thereof; thence northerly along the westerly boundary line of said section thirty-one to the point of beginning.

Repealed.

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

CHAPTER 41.

An act to amend section four hundred eleven of the Code of Civil Procedure, relating to service of summons.

[Approved April 9, 1919. In effect July 22, 1919.]

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

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

411. The summons must be served by delivering a copy thereof as follows: Service of summons.

1. If the suit is against a corporation formed under the laws of this state: to the president or other head of the corporation, vice president, secretary, assistant secretary, cashier or managing agent thereof.

2. If suit is against a foreign corporation, or a non-resident joint stock company or association, doing business and having a managing or business agent, cashier or secretary within this state: to such agent, cashier or secretary.

3. If against a minor, under the age of fourteen years, residing within this state: to such minor, personally, and also to his father, mother, or guardian: or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this state who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: to such person, and also to his guardian.

5. If against a county, city or town: to the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

6. In all cases where a corporation has forfeited its charter or right to do interstate business in this state, the summons must be served by delivering a copy thereof to one of the persons who have become the trustees of the corporation and stockholders or members of the corporation.

7. In all other cases to the defendant personally.

CHAPTER 42.

An act to amend section six hundred thirty-six a of the Penal Code, relating to the disposition of unlawful nets.

[Approved April 9, 1919. In effect July 22, 1919.]

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

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

Nets,
seines, etc.
prohibited

636a. Any net, seine, dragnet, paranzella, or set net used for taking or catching fish, which shall be used or maintained in any of the waters of this state in violation of any existing or hereafter enacted statutes or laws of this state, for the protection of fish, is hereby declared to be a public nuisance, and it is the duty of every peace officer to seize and keep the same, and report such seizure to the board of fish and game commissioners of the state. Thereupon said board must commence proceedings in the superior court of the county, or city and county, in which the same shall have been seized, by filing a petition in said court, asking for a judgment forfeiting such net, seine, dragnet, paranzella, or set net so seized. Upon the filing of such petition, it is the duty of the clerk of said court to fix a time for the hearing thereof and to cause notices to be posted for the space of fourteen days in at least three public places in the town, city, or city and county, where the court is held, setting forth the substance of such petition and the time and place fixed for its hearing; at such time the court must hear and determine said proceeding, and upon proof that the said net, seine, dragnet, paranzella, or set net was used in violation of law, must order the same to be forfeited. Any such net duly ordered forfeited shall be sold or destroyed by the fish and game commission. All proceeds from the sale of such forfeited nets shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 43.

An act to amend section five hundred forty-two a of the Code of Civil Procedure, relating to attachment liens.

[Approved April 11, 1919. In effect July 22, 1919.]

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

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

Attachment
lien on real
property

542a. The lien of the attachment on real property attaches and becomes effective upon the filing of a copy of the writ,

together with a description of the property attached, and a notice that it is attached are filed with the county recorder of the county wherein said real property is situate; *provided*, however, that in event that the sheriff does not complete the execution of said writ in the manner prescribed in section five hundred forty-two of this code within a period of fifteen days next following said filing in the recorder's office then said lien shall cease at the expiration of said period of fifteen days.

The attachment whether heretofore levied or hereafter to be levied 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, before the expiration of the existing lien, 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.

Expiration.

Extension.

CHAPTER 44.

An act to amend section four hundred sixteen of the Code of Civil Procedure, relating to the time and manner of acquiring jurisdiction by the court in civil actions and proceedings.

[Approved April 9, 1919. In effect July 22, 1919.]

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

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

416. From the time of the service of the summons and of a copy of the complaint in a civil action, where service of a copy of the complaint is required, or of the completion of the publication when service by publication is ordered, the court is deemed to have acquired jurisdiction of the parties, and to have control of all the subsequent proceedings. In all cases where a corporation has forfeited its charter or right to do interstate business in this state, the persons who become the trustees of the corporation and stockholders or members of the corporation may be sued in the corporate name of such

When jurisdiction of action acquired.

corporation in like manner as if no forfeiture had occurred and from the time of service of the summons and of a copy of the complaint in a civil action, upon one of said trustees, or of the completion of the publication when service by publication is ordered, the court is deemed to have acquired jurisdiction of all said trustees, and to have control of all the subsequent proceedings. The voluntary appearance of a defendant is equivalent to personal service of the summons and copy of the complaint upon him.

CHAPTER 45.

An act to change and modify the exterior boundaries of Reclamation District No. 999, as set forth and defined by an act entitled "An act to create a reclamation district to be called 'reclamation district number nine hundred ninety-nine' and providing for the control and management thereof," approved May 22, 1913.

[Approved April 9, 1919. In effect July 22, 1919.]

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

Stats. 1913,
p. 242.

SECTION 1. The exterior boundaries of Reclamation District No. 999, as set forth and defined by an act entitled "An act to create a reclamation district to be called 'reclamation district number nine hundred ninety-nine' and providing for the control and management thereof," approved May 22, 1913, are hereby changed and modified so that the exterior boundaries thereof shall be and they are hereby fixed, defined, established and determined as follows:

Boundaries
of Reclamation
District
No. 999.

Beginning at a point which is north $0^{\circ} 17'$ west one thousand five hundred seventy-six and four-tenths feet from the north-west corner of section thirty-one, township eight north, range four east, Mount Diablo base and meridian; thence south $89^{\circ} 43'$ west one hundred feet; thence along a line one hundred feet westerly from and parallel with the westerly right of way line of the west levee of Reclamation District No. 999 as follows: South $0^{\circ} 17'$ east three thousand ninety-three and four-tenths feet; south $2^{\circ} 30'$ east eight thousand seven hundred fifty-eight and eight-tenths feet; thence south $42^{\circ} 36'$ west three hundred seventy-one and three-tenths feet to a point on the easterly boundary line of section one, township seven north, range three east, said point being north $0^{\circ} 17'$ west thirty-eight and five-tenths feet from the southeast corner of said section one; thence south $19^{\circ} 55' 37''$ west along a line one hundred feet westerly from and parallel with the westerly right of way line of said west levee of Reclamation District No. 999, forty and nine-tenths feet to a point on the boundary line common to sections one and twelve, township seven north, range three east, said point being also north $89^{\circ} 07'$ west fourteen feet

from the northeast corner of said section twelve; thence continuing south $19^{\circ} 55' 37''$ west five thousand six hundred four and one-tenth feet to a point on the southerly boundary line of said section twelve, said point being also south $89^{\circ} 00'$ east seven hundred five and six-tenths feet from the south one-quarter section corner of said section twelve; thence continuing south $19^{\circ} 55' 37''$ west eighteen thousand one hundred fifty-eight and one-tenth feet to a point on the southerly boundary line of Swamp Land Survey No. 1029, Yolo county surveys, said point being north $88^{\circ} 38'$ west one thousand five hundred fifty feet from the southeast corner of said Swamp Land Survey No. 1029; thence continuing south $19^{\circ} 55' 37''$ west one thousand three hundred ninety-three and one-tenth feet to the northerly boundary line of Swamp Land Survey No. 989, Yolo county surveys, said point being south $88^{\circ} 36'$ east six hundred twenty-eight and three-tenths feet from the northwest corner of the northeast quarter of the southwest quarter of section thirty-five, township seven north, range three east, Mount Diablo base and meridian; thence continuing south $19^{\circ} 55' 37''$ west five thousand eight hundred twenty-one and six-tenths feet to a point on the easterly boundary line of Swamp Land Survey No. 793, Yolo county surveys, said point being north $0^{\circ} 24'$ east two thousand four hundred twenty-eight and nine-tenths feet from the southeast corner of said Swamp Land Survey No. 793; thence continuing south $19^{\circ} 55' 37''$ west two thousand five hundred sixty-one feet to a point on the southerly boundary line of said Swamp Land Survey No. 793, said point being north $88^{\circ} 34'$ west eight hundred fifty-six and two-tenths feet from the southeast corner of said Swamp Land Survey No. 793; thence continuing south $19^{\circ} 55' 37''$ west eleven thousand one hundred ninety-seven and three-tenths feet to a point on the southerly boundary line of Swamp Land Survey No. 947, Yolo county surveys, said point being north $88^{\circ} 37'$ west four thousand five hundred sixty-six and three-tenths feet from the southeast corner of said Swamp Land Survey No. 947; thence continuing south $19^{\circ} 55' 37''$ west five thousand two hundred ninety-two and three-tenths feet; thence six thousand one hundred sixty and five-tenths feet along the arc of a curve to the left, tangent to the last-mentioned course and whose radius is seventeen thousand six hundred twenty-four and nine-tenths feet; thence south $0^{\circ} 06'$ east four thousand eight hundred forty-eight and one-tenth feet to a point on the southerly boundary line of Yolo county, said point being south $89^{\circ} 06' 34''$ east five thousand eight hundred thirty-four and four-tenths feet from the southwest corner of said Swamp Land Survey No. 989; thence continuing south $0^{\circ} 06'$ east eight thousand thirty-six and four-tenths feet to the northerly boundary line of Swamp Land Survey No. 608, Solano county surveys, said point being south $89^{\circ} 37'$ east six hundred twenty-nine and one-tenth feet from the northwest corner of said Swamp Land Survey No. 608; thence leaving said line parallel with said west levee right of way of

Boundaries
of Reclamation
District
No 000.

Boundaries
of Reclama-
tion District
No. 999.

Reclamation District No. 999, south $27^{\circ} 29'$ west two hundred seventy-two and one-tenth feet; south $61^{\circ} 55'$ east one hundred twenty-three and four-tenths feet; south $21^{\circ} 34'$ east four hundred sixty-two and four-tenths feet; south $34^{\circ} 33'$ east three hundred eighty and three-tenths feet to the northerly bank of Miner slough; thence in an easterly direction along said northerly bank of Miner slough to a junction with the westerly bank of Sutter slough; thence in a northerly and northeasterly direction along said westerly bank of Sutter slough to the southeast corner of Swamp Land Survey No. 366, Yolo county surveys; thence in a northeasterly direction to the southwest corner of Swamp Land District No. 150, commonly known as Merritt island; thence in a northeasterly direction along the westerly boundary line of said Swamp Land District No. 150, commonly known as Merritt island, to an intersection with the westerly bank of the Sacramento river; thence in a northwesterly direction along the said westerly bank of Sacramento river to the south line of Swamp Land District No. 307, sometimes called Reclamation District No. 307 and commonly known as Lisbon Reclamation District; thence northwesterly and northeasterly along the southerly and westerly boundary of said Swamp Land District No. 307 to the southerly boundary of Reclamation District No. 765, commonly known as the Glide Reclamation District; thence westerly along said southerly boundary of said Reclamation District No. 765 and northeasterly along the westerly boundary thereof to the north line of section thirty-one, township eight north, range four east; thence east to a point one thousand three hundred twenty feet west from the northeast corner of said section thirty-one; thence north eight hundred sixteen and four-tenths feet, more or less, to the southerly boundary line of the levee right of way of the south levee of Reclamation District No. 900; thence westerly along the southerly boundary line of said levee right of way to the point of beginning.

Repealed.

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

CHAPTER 46.

An act to amend section four thousand two hundred seventy-one of the Political Code, relating to salaries of officers of counties of the forty-second class.

[Approved April 9, 1919. In effect July 22, 1919.]

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

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

4271. In counties of the forty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 42d class, salaries of officers.

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed the county clerk the following deputies, who shall be appointed by the county clerk, and shall be paid salaries as follows: one deputy county clerk at a salary of one hundred twenty-five dollars per month, and one deputy county clerk at a salary of seventy-five dollars per month. The salaries of said deputy county clerks shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that in counties of this class, in each year in which a new and complete or supplemental registration of voters is required by law, the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name for each and every voter registered by them; said compensation to be paid out of the general fund of the county, on the presentation and filing with the board of supervisors of the county of a duly verified claim therefor, approved by the county clerk. County clerk.

2. The sheriff, five thousand dollars per annum and such mileage as is allowed by law for service of all papers wherever issued by any court outside this county and all mileage for service of paper in civil cases in his own county and actual expenses incurred in criminal cases; *provided, further*, that in counties of this class there shall be and is hereby allowed to the sheriff one deputy who shall be appointed by the sheriff and shall be paid a sum of one hundred dollars per month, which said sum shall be paid by said county in equal monthly installments at the same time and in the same manner as the salary of the sheriff is paid. Sheriff.

3. The recorder, two thousand one hundred dollars per annum; *provided, further*, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy recorder who shall be appointed by the recorder and shall be paid a sum of one hundred dollars per month; also, an additional deputy recorder who shall be appointed by the recorder and who shall be paid a salary of seventy-five dollars per month, which said sum shall be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the recorder is paid. Recorder.

4. The auditor, the sum of two thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the auditor one deputy auditor, which said office is hereby created, who shall be appointed by the auditor and shall be paid a salary of seventy-five dollars per month, which sum shall be paid by said county in monthly installments Auditor.

at the same time and in the same manner and out of the same funds as the salary of the auditor.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax collector.

6. The tax collector, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector one deputy tax collector, which office is hereby created, said deputy tax collector to be appointed by the tax collector and to be paid a salary of seventy-five dollars per month, which said sum 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 tax collector is paid; *and provided, also*, that there is hereby allowed to the tax collector during the months of April, May, October, November and December, in each year, one clerk who shall receive a salary of seventy-five dollars per month, which sum shall be paid monthly in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor and shall receive as compensation for all services performed by him the sum of one hundred twenty-five dollars per month; *and provided, further*, that the assessor may appoint such additional deputies as may be required in the judgment of the assessor, the length of time that such deputies shall serve in any one year not to exceed, in the aggregate, three hundred twelve days, and the aggregate compensation to be paid all of said deputies not to exceed, in the aggregate, one thousand five hundred sixty dollars, which shall be paid out of the county treasury in the same manner, at the same time and out of the same funds as the salaries of other county officers are paid; *provided, further*, that the assessor may appoint one copyist, to be paid a compensation of three dollars per day for a period not to exceed four months in any one year, 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.

District attorney.

8. The district attorney, two thousand four hundred dollars per annum; *provided*, the district attorney may appoint a stenographer, whose compensation shall be seventy-five dollars per month, and such allowance shall be made as other claims are allowed by the board of supervisors, and when so allowed shall be paid out of the salary fund.

Coroner.

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

Public administrator.

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

Superintendent of schools.

11. The superintendent of schools, one thousand eight 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 superin-

tendent 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. Surveyor.

13. In counties of this class, the township officers shall receive the following compensation for all services rendered by them in criminal matters of whatever kind, character or description: In townships having a population of five thousand or more, justices of the peace and constables shall receive a monthly salary of one hundred twenty-five dollars, to be paid each month in the same manner and out of the same fund as the salaries of county officers are paid. In townships having a population of less than five thousand, said justices of the peace shall receive a salary of six hundred dollars per annum, and constables shall receive a salary of four hundred eighty dollars per annum, to be paid in monthly installments. Justices of peace and constables.

14. Each member of the board of supervisors, one thousand eight hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty-five cents per mile while traveling from his residence to the county seat not more than once each month. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in compensation of this office, and it is intended that the same shall apply immediately to the present incumbents. Supervisors.

15. In counties of this class, the official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law. The compensation allowed each officer above enumerated shall be in full payment for all services performed by him. Court reporter.

CHAPTER 47.

An act to amend section one thousand four hundred fifteen of the Code of Civil Procedure, relating to the duties of special administrators.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand four hundred fifteen of the Code of Civil Procedure is hereby amended so as to read as follows:

1415. The special administrator must collect and preserve for the executor or administrator, all the goods, chattels, debts, and effects of the decedent, all incomes, rents, issues and profits, Duties of special administrator.

Duties of
special
adminis-
trator.

claims and demands of the estate; must take the charge and management of, enter upon, and preserve from damage, waste and injury, the real estate, and for any such and all necessary purposes may commence and maintain or defend suits and other legal proceedings as an administrator; he may sell such perishable property as the court may order to be sold, and exercise such other powers as are conferred upon him by his appointment, but in no case is he liable to an action by any creditor on a claim against the decedent. The special administrator may commence and maintain all proceedings, do all acts, and apply for and obtain all orders and decrees, authorized and provided for, in or by article five of chapter seven of title eleven of part third of this code, in the same manner and with like effect as an executor or administrator.

CHAPTER 48.

An act to amend section one thousand five hundred ninety-eight of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand five hundred ninety-eight of the Code of Civil Procedure is hereby amended to read as follows:

Petition for
executor
to make
conveyance.

1598. On the presentation of a verified petition by the executor or administrator, or by any person claiming to be entitled to such conveyance from an executor or administrator, setting forth the facts upon which the claim is predicated, the court, or a judge thereof, must appoint a time and place for hearing the petition, and must order notice thereof to be served on the executor or administrator personally when he is not the petitioner, and published at least once a week for four successive weeks before such hearing, in such newspaper in this state as the court may designate; *provided, however,* that if such contract was of record at the date of the death of the person executing such contract, notice of such hearing shall be served on the executor or administrator personally, when he is not the petitioner, and posted in three public places in the county where the court is held for at least ten days prior to the date of hearing.

CHAPTER 49.

An act to add a new section to the Code of Civil Procedure to be numbered seven hundred fifty-two a, relating to the partition of personal property.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered seven hundred fifty-two a and to read as follows:

752a. When several persons are co-owners of any personal property, an action may be brought by any one or more such co-owners for a partition thereof; or in case partition can not be had without great prejudice to the owners, for the sale thereof, and partition of the proceeds according to the respective interests of the parties. In all such actions the provisions of this chapter shall govern wherever applicable. Real and personal property may be partitioned in the same action.

Action for partition of personal property.

CHAPTER 50.

An act to amend section one thousand twenty-seven of the Code of Civil Procedure, relating to costs of appeal.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand twenty-seven of the Code of Civil Procedure is hereby amended to read as follows:

1027. The prevailing party on appeal shall be entitled to his costs excepting when judgment is modified, and in that event the matter of costs is within the discretion of the appellate court. The party entitled to costs, or to whom costs are awarded, may recover all amounts actually paid out by him in connection with said appeal, and the preparation of the record for the appeal, including the costs of printing briefs; *provided, however*, that no amount shall be allowed as costs of printing briefs in excess of one hundred dollars to any one party. The appellate court may reduce costs in case of the insertion of unnecessary matter in the record.

Costs on appeal.

CHAPTER 51.

An act to cede to the United States exclusive jurisdiction over Yosemite national park, Sequoia national park, and General Grant national park in the State of California.

[Approved April 15, 1919. In effect July 22, 1919.]

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

Jurisdiction
over national
parks ceded
to U. S.

SECTION 1. Exclusive jurisdiction shall be and the same is hereby ceded to the United States over and within all of the territory which is now or may hereafter be included in those several tracts of land in the State of California set aside and dedicated for park purposes by the United States as "Yosemite national park," "Sequoia national park," and "General Grant national park" respectively; saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid parks in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state outside of said parks; and saving further, to the said state the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks; and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situate; *provided, however*, that jurisdiction shall not vest until the United States through the proper officer notifies the State of California that they assume police jurisdiction over said parks.

CHAPTER 52.

An act to amend section four thousand two hundred forty-three of the Political Code, relating to the compensation of officers of counties of the fourteenth class.

[Approved April 15, 1919. In effect July 22, 1919.]

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

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

Counties of
14th class,
salaries of
officers.

4243. In counties of the fourteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there

shall be and there is hereby allowed to the county clerk one ^{County clerk.} deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section four thousand two hundred ninety of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room clerks of said department, and shall each receive a salary of one hundred twenty-five dollars per month, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed to said county clerk a chief deputy and one office deputy, which offices are hereby created. Said deputies shall be appointed by said county clerk, the chief deputy to receive a salary of one hundred fifty dollars per month, and the office deputy to receive a salary of one hundred twenty-five dollars per month, which salaries shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created, and whose compensation shall not exceed the sum of one thousand two hundred dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph are to apply to the present incumbents.

2. The sheriff, two thousand five hundred dollars per annum ^{Sheriff.} and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff six deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of one thousand eight hundred dollars per annum; one deputy sheriff, to act as a finger print expert, at a salary of one thousand eighty dollars per annum; one deputy sheriff, to act as jailer, at a salary of one thousand five hundred dollars per annum; one deputy sheriff, to act as assistant jailer, at a salary of one thousand eighty dollars per annum; two deputies who shall act as bailiffs of the superior court of said county, at a salary of one thousand dollars per annum each, one for each department thereof, as provided by section four thousand two hundred ninety of the Political Code of the State of California; and there shall be and hereby is allowed to said sheriff

an office deputy who shall be a stenographer, which office is hereby created, at a salary of one thousand two hundred dollars per year, and who shall be appointed by the sheriff. The salaries of all of said deputies and said stenographer shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions except as hereinbefore in this paragraph mentioned shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbents.

Recorder.

3. The recorder, two thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder six deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit:

One chief deputy at a salary of one thousand five hundred dollars per annum; two deputies at a salary of one thousand two hundred dollars per annum; three deputies at a salary of nine hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbents.

Auditor.

4. The auditor, two thousand six hundred dollars per annum. In counties of this class the auditor may appoint assistant auditors, which offices are hereby created, and whose compensation shall not exceed the sum of three thousand 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 of assistant auditors herein provided for shall be paid by the said county at the same time and in the same manner and out of the same funds as the salary of the auditor is paid. All the provisions of this paragraph are to apply to the present incumbents.

Treasurer.

5. The treasurer, two thousand five hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the treasurer one chief office deputy, which office is hereby created, at a salary of one hundred dollars per month, and one office deputy, which office is hereby created, at a salary of seventy-five dollars per month, both of whom shall be appointed by the treasurer. The salary of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid. All the provisions of this paragraph are to apply to the present incumbents.

6. The tax collector, two thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created, and who shall be appointed by the tax collector; one chief deputy at a salary of one hundred dollars per month, and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of three thousand dollars in any one year; and *provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of 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. All provisions of this paragraph are to apply to the present incumbents. Tax collector.

7. The assessor, three thousand three hundred dollars per annum; *provided*, that in counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor: One deputy who shall be chief office deputy at a salary of one hundred fifty dollars per month; one office deputy at a salary of one hundred twenty-five dollars per month; and such field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed seven thousand five hundred dollars in any one year; and *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as county officers are paid. All fees and commissions including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbents. Assessor.

8. The district attorney, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, two deputies, to be appointed by the district attorney, and who shall be regularly admitted to practice before the courts of the State of California. Each of said deputies shall receive a salary of one thousand eight hundred dollars per annum, which salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney a stenographer to be appointed by the district attorney, at a salary of one hundred dollars per month, which said salary shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of District attorney.

the district attorney. All the provisions of this paragraph are to apply to the present incumbents.

Coroner.

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

Public
adminis-
trator.

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

Superin-
tendent of
schools

11. The superintendent of schools, two thousand two hundred fifty dollars per annum and actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the said superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. All the provisions of this paragraph are to apply to the present incumbents.

Surveyor.

12. The county surveyor shall receive a salary of two thousand four hundred dollars per annum, and he shall be allowed one office deputy at a salary of one thousand five hundred dollars per annum. The county surveyor shall be allowed all necessary traveling and field expenses of self and chain men, and other help in the field. There shall be, and there is hereby allowed to the surveyor a stenographer, to be appointed by the surveyor at a salary of seventy-five dollars per month. The salaries of said office deputy and said stenographer shall be paid by said county in equal monthly installments at the same time, and in the same manner, and out of the same funds as the salary of the surveyor. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help; *provided, however*, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment, the salary and expenses of such inspectors or field or office help to be paid out of such fund as shall be directed by the board of supervisors, upon proper claim presented therefor. All the provisions of this paragraph are to apply to the present incumbents.

Justices
of peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them as such officers: (1) In townships having a population of twelve thousand or over, one hundred twenty-five dollars; (2) in townships having a population of nine thousand or over up to twelve thousand, one hundred dollars; (3) in townships having a population of six thousand or over up to nine thousand, seventy-five dollars; (4) in townships having a population of three thousand or over up to six thousand, twenty-five dollars; (5) in townships having a population less than three thousand, ten dollars. All

the provisions of this paragraph are to apply to the present incumbents.

14. Constables shall receive the following monthly salaries, Constables. to be paid each month in the same manner and out of the same fund as county officers are paid; which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of twelve thousand or over, one hundred twenty-five dollars; (2) in townships having a population of nine thousand or over up to twelve thousand, one hundred dollars; (3) in townships having a population of six thousand or over up to nine thousand, fifty dollars; (4) in townships having a population of three thousand or over up to six thousand, twenty-five dollars; (5) in townships having a population less than three thousand, ten dollars; *provided*, that in townships having more than one constable, each such officer shall receive a salary of seventy-five dollars per month; *also provided, further*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court or to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, one thousand five hundred dollars per annum, payable in monthly installments, and fifteen cents per mile one way for traveling expenses from his residence to the place of meeting of the board at the county seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum. Supervisors.

16. A live stock inspector, one hundred twenty dollars per annum, which shall be in full payment for all services rendered by said inspector. Live stock inspector. The provisions of this paragraph shall apply to the present incumbent.

17. For the purposes of sections thirteen and fourteen hereof, the population of the several judicial townships shall be determined by the United States census taken in 1910; *provided*, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables. Population of townships.

18. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day the sum of three dollars. In justices' courts in civil cases jurors shall receive for each day's attendance per day the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attendance per day the sum of one dollar and fifty cents, and all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of Jurors.

fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve; *provided*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

Constitutionality

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

CHAPTER 53.

An act to amend section one thousand three hundred sixty-five of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand three hundred sixty-five of the Code of Civil Procedure is hereby amended so as to read as follows:

Order of persons entitled to administer

1365. Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, the relatives of the deceased being entitled to administer only when they are entitled to succeed to his estate or some portion thereof; and they are, respectively, entitled thereto in the following order:

1. The surviving husband or wife, or some competent person whom he or she may request to have appointed.
2. The children.
3. The father and mother.
4. The brothers and sisters.
5. The grandchildren.
6. The next of kin entitled to share in the distribution of the estate.
7. The public administrator.
8. The creditors.
9. Any person legally competent.

Partner not to administer.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate. This section shall apply to the relatives of the previously deceased spouse of decedent when entitled to succeed to some portion of the estate under subdivision eight of section one thousand three hundred eighty-six of the Civil Code.

CHAPTER 54.

An act providing for the amendment of the base land offered by the State of California in satisfaction of the state school land grant where the selection has become invalid by reason of the restoration to validity of a certificate of purchase embracing the base land, by the vacating of a judgment of annulment.

[Approved April 15 1919 In effect July 22, 1919]

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

SECTION 1. Where, under authority of acts of congress of the United States and of the legislature of the State of California, the State of California has made a selection of United States lands in lieu of losses to the state school land grant and the base offered therefor became invalid by reason of the restoration to validity of a certificate of purchase embracing the base land, by the vacating of a judgment of annulment, the surveyor general may, in his discretion, and upon application of the record owner of the certificate of purchase, amend the selection by the substitution of valid base; *provided*, that the party applying for relief shall pay all fees and expenses incident to such amendatory selection

Relief of
lieu land
owners

CHAPTER 55.

An act to amend section seven hundred seventy-seven of the Penal Code, relating to the jurisdiction of offenses committed in this state.

[Approved April 15, 1919. In effect July 22, 1919]

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

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

777. Every person is liable to punishment by the laws of this state, for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States; and except as herein otherwise provided, the jurisdiction of every public offense is in the county wherein it is committed; *provided*, that if a parent violates the provisions of section two hundred seventy of this code in respect to a minor child who has been declared a ward of the juvenile court of any county under the juvenile court law of this state, and by such juvenile court committed to the custody of a person, society or institution which places or keeps such child in another county, the jurisdiction is in either the county in which such commitment was made, or the county within which such minor child is placed or kept by authority of such commitment.

Jurisdiction
of offenses
committed
in state

CHAPTER 56.

An act to amend section four thousand two hundred thirty-eight of the Political Code, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

[Approved April 15, 1919. In effect July 22, 1919.]

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

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

Counties of
9th class,
salaries of
officers.

4238. In counties of the ninth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases.

Recorder.

3. The recorder, two thousand seven hundred fifty dollars per annum.

Auditor.

4. The auditor, three thousand six hundred dollars per annum.

Treasurer.

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

Tax collector.

6. The tax collector, one thousand nine hundred dollars per annum. The tax collector shall pay all his own traveling expenses.

Assessor.

7. The assessor, four thousand dollars per annum. The assessor shall also receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.

District attorney.

8. The district attorney, three thousand six hundred dollars per annum.

Coroner.

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

Public administrator.

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

Superintendent of schools.

11. The superintendent of schools, three thousand three hundred dollars per annum. The superintendent of schools shall pay all his own traveling expenses when visiting the schools of this county.

Surveyor.

12. The surveyor, two thousand four hundred dollars per annum, and actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

Justices of peace.

13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a popu-

Jation of twenty thousand or more, two hundred fifty dollars per month; in townships having a population of not less than five thousand, nor more than twenty thousand, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred, nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided*, that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand five hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m., and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

Justices
of peace.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand and not more than fourteen thousand, seventy-five dollars per month; in townships having a

Constables.

Constables. population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month. In all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest is made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

Supervisors. 15. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed. Each member of said board may be allowed his actual expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the total expense of all members attending such convention shall not exceed fifty dollars in any one year.

Bonds of officers. 16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company, and the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund.

Deputies - County clerk. 17. The county clerk shall have one chief deputy, at a salary of two thousand one hundred dollars per annum; three courtroom deputies at a salary of one thousand eight hundred dollars per annum each; three office deputies at a salary of one thousand five hundred dollars per annum each; one judgment clerk at a salary of one thousand five hundred dollars per annum; one deputy who shall act as clerk to the board of

supervisors at a salary of one thousand eight hundred dollars per annum; one deputy who shall act as assistant clerk to the board of supervisors at a salary of one thousand five hundred dollars per annum; and a deputy or deputies not to exceed fifteen, for the purpose of registering electors or other emergencies, who shall be paid not to exceed four dollars per diem each; also a deputy or deputies, to register electors outside of the county seat, who shall receive a compensation of eight cents for each elector registered, and shall receive no other compensation or expenses.

The county recorder, one first assistant at a salary of one thousand eight hundred dollars per annum; one second assistant at a salary of one thousand five hundred dollars per annum; three comparing or index clerks at a salary of one thousand three hundred eighty dollars per annum each; two copyists at a salary of one thousand three hundred eighty dollars per annum each; the recorder may, with the consent of the board of supervisors, hire necessary assistance in cases of emergency at a salary not to exceed four dollars per diem each, nor shall the aggregate salaries for such work exceed two thousand four hundred dollars in any one calendar year. Recorder.

The treasurer, one chief deputy at a salary of two thousand five hundred dollars per annum, and one deputy at a salary of one thousand nine hundred twenty dollars per annum, and one deputy at a salary of one thousand six hundred eighty dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, and one deputy to serve not longer than six months in any one calendar year at a salary of one hundred ten dollars per month, and an emergency deputy or deputies, which position is hereby created, at a salary of four dollars per diem, which said emergency deputy or deputies shall not receive more than one thousand eight hundred dollars in any one calendar year. Treasurer.

The county auditor, one chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum; the auditor may, with the consent of the board of supervisors, hire necessary assistants for the purpose of extending taxes, and in cases of emergency at a salary not to exceed four dollars per diem each, nor shall the aggregate salaries for such emergency work exceed one thousand dollars in any one calendar year. Auditor.

The district attorney, an assistant district attorney, at a salary of two thousand seven hundred dollars per annum; and two deputies at a salary of one thousand eight hundred dollars per annum each; and one stenographer at a salary of two thousand one hundred dollars per annum. District attorney

The superintendent of schools, one deputy at a salary of one thousand two hundred dollars per annum; and an emergency deputy or deputies, which position is hereby created, at a salary of four dollars per diem, which said emergency deputy Superintendent of schools.

or deputies shall not receive more than four hundred dollars in any one calendar year.

Sheriff.

The sheriff, an under sheriff, who shall receive a salary of two thousand one hundred dollars per annum; a clerk who shall receive a salary of one thousand five hundred dollars per annum; a stenographer and clerk who shall receive a salary of one thousand five hundred dollars per annum; three deputy sheriffs, who shall receive a salary of one thousand five hundred dollars per annum each; three bailiffs or courtroom deputies, who shall receive a salary of one thousand five hundred dollars per annum each; and one motor boat deputy, who shall receive a salary of one hundred fifteen dollars per month; two speed cop deputies who shall furnish and maintain at their own expense the motorcycle for their use and whose salary and expense for the purpose herein named shall be one hundred thirty-five dollars per month each; two jailers, who shall receive a salary of one thousand five hundred dollars per annum each; one deputy sheriff for emergencies, and as a guard for the working prisoners who shall receive a salary of one thousand five hundred dollars per annum, and a deputy sheriff for the purpose of serving papers and other emergencies, who shall receive a salary of one thousand five hundred dollars per annum.

Surveyor.

The county surveyor, one chief deputy, who shall be paid a salary of two thousand one hundred dollars per annum.

Coroner.

The coroner, one deputy, who shall be paid by the coroner out of his fees.

Assessor.

The county assessor shall have one chief deputy at a salary of two thousand one hundred dollars per annum; one draftsman at a salary of one thousand eight hundred dollars per annum; one stenographer and copyist at a salary of nine hundred dollars per annum; one office deputy at a salary of one thousand six hundred twenty dollars per annum; one platter to serve not to exceed one hundred eighty days in each year at a salary of four dollars per diem; two office deputies for preparing assessment rolls to serve not to exceed one hundred days each in any one year at a salary of four dollars per diem each; one office deputy for preparing assessment rolls to serve not to exceed one hundred four days in any one year at a salary of four dollars per diem; one copyist to serve not to exceed forty-three days in any one year at a salary of four dollars per diem; fifteen field deputies to serve not to exceed eighty days each in any one year at a salary of five dollars per diem each; and an emergency deputy or deputies, at a salary of four dollars per diem each, which said emergency deputy or deputies shall not receive more than four hundred dollars in any one calendar year; all the deputies, assistants, emergency help and clerks herein mentioned shall be paid at the time and in the same manner that the principals are paid, and they shall be paid from the salary fund.

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district, or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. All compensations, fees, commissions and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Salaries,
full compensation.

Fees, etc.,
paid into
county
treasury.

19. 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.

CHAPTER 57.

An act to add a new section to the Code of Civil Procedure, to be numbered fifty-two a, relating to appellate jurisdiction of the district courts of appeal.

[Approved April 15, 1919. In effect July 22, 1919.]

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

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

52a. The district courts of appeal shall have appellate jurisdiction:

Appellate
jurisdiction
of appellate
courts.

1. In all cases at law upon appeal from the superior courts 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.

2. In all cases of forcible and unlawful entry and detainer (excepting such as arise in justices' courts), in proceedings

Appellate
jurisdiction
of appellate
courts.

in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, 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).

3. In all criminal cases prosecuted by indictment or information in a court of record upon questions of law alone, excepting criminal cases where judgment of death has been rendered.

4. 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.

CHAPTER 58.

An act to amend section fifty-two of the Code of Civil Procedure, relating to appellate jurisdiction of the supreme court.

[Approved April 15, 1919. In effect July 22, 1919.]

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

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

52. The supreme court shall have appellate jurisdiction:

Appellate
jurisdiction
of supreme
court.

1. In all cases in equity, except such as arise in justices' courts.

2. 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.

3. In all such probate matters as may be provided by law.

4. 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.

5. In all criminal cases where judgment of death has been rendered on questions of law alone.

CHAPTER 59.

An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith.

[Approved April 15, 1919 In effect July 22, 1919.]

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

SECTION 1. For the purposes of this act certain manufactured substances, certain mixtures and compounds shall be known and designated as "imitation milk," namely: (a) any mixture or compound composed of skim milk or condensed, evaporated or powdered skim milk and any edible oil or fat other than natural milk fat, whether with or without any other ingredient or ingredients; (b) any mixture or compound made in imitation or semblance, or having the appearance or semblance, of milk or condensed or evaporated milk, or when so made or having such appearance or semblance calculated or intended, whether by intent of the compounder or other person, or by reason of the appearance or other characteristic of the mixture or compound, for use or disposition as or for milk, or as or for condensed or evaporated milk, or to induce its purchase, or use as or for milk or condensed or evaporated milk.

Imitation
milk
defined.

SEC. 2. No person by himself, his agents or servants shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use, or to serve to patrons, customers, boarders or inmates of any hotel, dwelling-house, restaurant, public conveyance or boarding house, any article, product or compound made wholly or in part, out of any imitation milk; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under regulations hereinafter provided, of imitation milk, of substances or compounds that may be used as imitation milk, of a separate and distinct character not resembling milk or condensed or evaporated milk, and in such a manner as will advise the purchaser and consumer of its real character, colored or containing ingredients that cause it to look unlike pure whole cow's milk or the condensed or evaporated product made therefrom; *and provided, further*, it is not adulterated within the meaning of this act; *and provided, further*, that nothing in this act shall be construed to prevent or prohibit the manufacture, sale, or use, for cooking purposes, of imitation milk as defined by section one of this act.

Manufacture
and sale of
imitation
milk.

SEC 3. Each person, who by himself, or another, lawfully manufactures any imitation milk, or any substitute that may

Imitation
milk to be
labeled.

Imitation
milk to be
labeled.

be used as and substituted for milk or condensed or evaporated milk, shall mark the same by printing, stamping or stenciling upon the top, if the top be of sufficient size and upon the sides of each case, box, carton, or other package, in which that article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up in a clear manner, in the English language, the words, "imitation milk," in printed letters in plain roman type, each of which shall not be less than one inch in height and one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the name and actual percentages of the various ingredients used in the manufacture of such imitation milk; and shall place a copy of said statement within and upon the contents of each case, box, carton, or other package, and next to that portion of each case, box, carton, or other package as is commonly and most conveniently opened, and in addition thereto shall label each bottle, can, container, or other package containing imitation milk with the words "imitation milk" printed in black-face plain roman capital letters of a size not less than twelve point, and said words shall appear upon the main or principal label of said bottles, cans, containers, or other packages containing any imitation milk, and in addition thereto said main or principal label shall contain or bear the words: "Not suitable for infant food," in plain legible type.

Adulteration.

SEC. 4. Imitation milk, not condensed or evaporated, shall be deemed adulterated within the meaning of this act if it contains less than three per cent of edible fats, or oils, and imitation milk, if evaporated or condensed, shall be deemed adulterated within the meaning of this act if it contains less than seven and eight-tenths per cent of edible fats or oils.

Display of
sign by
restaurants,
etc.

SEC. 5. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or any place of public entertainment, and no person having charge thereof, or employee thereat, and no employer when such board is furnished as compensation, or part of the compensation of any employee, shall place before any patron or employee for use as food, any imitation milk, unless there shall be displayed in a prominent place in said bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment in each room where meals are served, a sign bearing the words: "Imitation milk used and served here," in black-faced letters and not less than four inches in length upon a white ground.

License for
manufacture
and sale of
imitation
milk.

SEC. 6. No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, dealing, or in furnishing imitation milk, without first having applied for and obtained a license so to do as hereinafter provided. Any

person, firm or corporation dealing in or engaged in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, imitation milk, as in this act defined shall first make application each year to the state dairy bureau for a license, and upon payment of license fee of the amount mentioned herein to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall contain the following proviso; *provided*, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any imitation milk and similar substances that may be used as a substitute for milk or condensed or evaporated milk which resembles in appearance pure whole cow's milk, or the condensed or evaporated product made therefrom. All such licenses shall expire on June thirtieth of each year, and may be issued in periods of one year or less than one year, on payment of a proportionate part of the license fee, provided that no license shall be issued for a period of less than three months. The fee for issuing said license to said manufacturers, of any of the said substances within this state shall be one hundred dollars; for issuing to wholesale dealers in, or importers or agents for importers, of any of said substances the fee shall be fifty dollars; for issuing to retail dealers in any of said substances the fee shall be five dollars; and for issuing to the keeper of any hotel, restaurant, boarding house, and any other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term "wholesale dealer" as used in this section includes all persons, firms or corporations who sell any of said substances in quantities of one full case or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of less than one case. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued.

Licenses
issued
annually.

Fee.

It shall be unlawful for any person, firm or corporation to manufacture, buy, sell, deal in or furnish to his, its or their patrons, or to have in their possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any imitation milk or similar substance designed to be used as a substitute for milk or for condensed or evaporated milk without having first applied for and obtained from the state dairy bureau of the State of California a license herein required.

SEC. 7. Any person, firm or corporation found guilty of violating any of the provisions of this act shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty.

Enforcement

SEC. 8. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county or state board of health or other city or county official from enforcing the provisions of this act.

Repealed

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 60.

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

[Approved April 15, 1919. In effect July 22, 1919.]

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

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

Protection
of tree
squirrels.

626g. Every person, who, between the first day of January inclusive, hunts, takes, kills or destroys, or has in his possession, any species of tree squirrel, or who at any time buys, sells, offers for sale, or has in his possession for sale, any tree squirrel, is guilty of a misdemeanor, and every person who takes, kills or destroys, or has in his possession, more than twelve tree squirrels during any one open season, is guilty of a misdemeanor.

CHAPTER 61.

An act enforcing the provisions of article eighteen of the constitution of the United States; prohibiting the manufacture, sale, storage, service, gift, transportation, importation or exportation of intoxicating liquors for beverage purposes; regulating all other traffic in such liquors; and providing penalties for violations hereof.

[Approved April 15, 1919. In effect—see Section 16.]

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

Intent
of act

SECTION 1. This entire act shall be deemed to be an exercise of the power granted by article eighteen of the constitution of the United States and of the police power of the state for the protection of the public health, peace, safety, and morals of the people of the state, and all of its provisions shall be liberally construed for the accomplishment of these purposes.

SEC. 2. The words "intoxicating liquors" or "intoxicating liquor," wherever used in this act, shall be construed to include any distilled, malt, spirituous, vinous, fermented or alcoholic liquor, which contains more than one-half of one per cent by volume of alcohol, and all alcoholic liquids and compounds whether proprietary, patented or not, which are potable or capable of being used as a beverage, and which contain more than one-half of one per cent by volume of alcohol.

For the purposes of this act a wholesale druggist is one who sells drugs at wholesale and not to the general public.

A retail druggist is a registered pharmacist, authorized to practice in this state, conducting a regular retail business in drugs and who sells to the general public.

SEC. 3. In the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine and neuter, as the case may be.

The word "person," wherever used in this act, shall be construed to mean and include natural persons, firms, copartnerships, corporations, clubs, and all associations or combinations of persons, whether acting by themselves or by a servant, agent or employee.

SEC. 4. It shall be unlawful for any person, directly or indirectly, to manufacture, receive, sell, serve, give away, transport, or otherwise dispose of any intoxicating liquor within the State of California, or to import any such liquor into or to export any such liquor from said state, except as provided herein.

Manufacture,
etc. of
intoxicating
liquor

SEC. 5. It shall be unlawful for any person, while on any street, alley, park, road, or highway, or in any car, aeroplane, boat, motor, or other vehicle or means of transportation, or in any club, hotel, hall, theater, store, or other public or semipublic place, to have on his person or in his possession any intoxicating liquor, except as provided herein.

Possession.

SEC. 6. It shall be unlawful for any person to have, keep, or store any intoxicating liquor in any public or semipublic place, except as provided herein.

Storage.

SEC. 7. It shall be unlawful for any person to solicit, take or receive any order for intoxicating liquor, or to give information how such liquors may be obtained or where such liquors are; except that persons holding valid permits to manufacture or sell intoxicating liquors for nonbeverage purposes, may accept orders for such liquors on the premises where they may be legally sold, and representatives of such manufacturers and of wholesale druggists may take orders for such liquors from persons holding valid permits to purchase same.

Orders
for sale.

SEC. 8. It shall be unlawful for any person to advertise any intoxicating liquor by means of any sign or billboard, or by circular, poster, price list, newspaper, periodical, or otherwise, or to advertise the manufacture, sale, keeping for sale, or furnishing of such liquors, or the person from whom, or the place where, or the price at which, or the method by which any such

Advertisements.

Advertise-
ments

liquors may be obtained; *provided*, that manufacturers and wholesale druggists, holding valid permits under this act, may send price lists to those to whom they may legally sell such liquors.

It shall be unlawful to permit any sign or billboard, painted, erected or otherwise constructed after the thirtieth day of June, 1919, containing any advertisement, rendered unlawful by this section, to remain upon one's premises, or to circulate or distribute any circulars, price list or other advertisement rendered unlawful by this section, and it shall be the duty of every peace officer to remove and destroy any such advertisement when it comes to his notice or upon demand of any citizen.

SEC. 9. Nothing in this act shall be construed as rendering unlawful:

Manufacture
for non-
beverage
purposes

(a) The manufacture of intoxicating liquors for non-beverage purposes by any person holding a valid permit so to do, obtained as herein provided.

Storage for
non-beverage
purposes

(b) The keeping or storing of intoxicating liquors on the premises where lawfully manufactured or in any place where such liquors may legally be sold, or in cellars, vaults or warehouses owned or leased by persons holding valid permits to manufacture, keep or sell such liquors for nonbeverage purposes, or the keeping of wine for sacramental purposes in any church or in the residence of the pastor or priest of any church, or the distributing and use of wine at any sacramental service.

Sale and
delivery by
wholesale
druggists

(c) The sale and delivery of intoxicating liquors, by those lawfully manufacturing the same or by wholesale druggists holding valid permits so to do, to other manufacturers of such liquors or to other wholesale druggists or to retail druggists holding valid permits under this act; *provided*, the person so selling such liquors shall keep a record of all liquors so sold in which shall be entered the date of the sale, the kind of liquor sold, the quantity of each kind, and the name and address of the person to whom sold, such record to be open to public inspection; *provided, however*, that where spirituous liquors are sold the records required to be kept by the United States Internal Revenue Department shall be sufficient record; *and provided, further*, that the person so selling such liquor shall securely fasten to the container holding it a legibly written or printed statement, in English, signed by said person and giving the following information: kind and quantity of contents, by whom sold (giving name and address), to whom sold (giving name and address), and date of sale.

Statement
on container

Removal of
statement
from
container.

It shall be unlawful for any person to remove such statement from such container, until said container and contents have been delivered to the purchaser at the address stated in such statement, and it shall be unlawful to empty all or part of the contents from any such container anywhere except at the address stated in aforesaid statement, and when the con-

tents of any such package have been emptied from it, said statement shall immediately be removed and destroyed.

(d) The sale or furnishing of wine for sacramental purposes by the manufacturer of the same or by retail druggists, holding valid permits so to do obtained under this act; *provided*, such wine is furnished only to a regularly ordained priest or minister or upon the written order of the local official board or governing body of a religious organization, and that the person furnishing such wine shall keep a record in which shall be entered the date of the furnishing, the quantity furnished and the signature of the person obtaining the same, such record to be open to public inspection; *and provided, further*, that the person so furnishing such wine shall securely fasten to the container holding it a legibly written or printed statement, in English, signed by said person and giving the following information: kind and quantity of contents, by whom furnished (giving name and address), to whom furnished (giving name and address), date of furnishing, and a statement that it was furnished for sacramental purposes.

Sale of wine for sacramental purposes.

Record of sale.

Statement on container.

It shall be unlawful for any person to remove from any container holding wine obtained for sacramental purposes the statement provided for in this section or to use all or part of said wine for any purpose other than sacramental purposes.

Removal of statement from container.

(e) The dispensing of intoxicating liquors by retail druggists, holding valid permits so to do, for medicinal purposes only, upon a prescription issued, signed and dated by a duly licensed physician regularly practicing his profession; *provided*, that the name of the person applying for the prescription, and the name and address of the person for whose use the prescription is made shall be inserted therein by the physician issuing the same at the time the prescription is made or given, and that not more than one sale or furnishing is made upon such prescription, that not more than eight ounces of spirituous liquor, and not more than sixteen ounces of vinous or malt liquor is sold on any one prescription, and that all such prescriptions are kept on file at the place of business of said druggist, open to public inspection; *and provided, further*, that said druggist shall paste upon or securely fasten to the container holding such liquor a legibly written or printed copy of the prescription on which such liquor was furnished.

Dispensing by retail druggists on prescription.

Prescription to be fastened to container.

It shall be unlawful for any person to remove said copy of such prescription from said container until all of the liquor has been removed therefrom, and it shall be unlawful to empty all or part of said liquor from said container until it has been delivered at the address mentioned in said prescription or to use said liquor for any purpose other than the medicinal purpose for which it was furnished.

Removal of prescription from container.

(f) The sale and delivery by any person, holding a valid permit so to do obtained as herein provided, of ethyl alcohol to manufacturers of toilet, medicinal, antiseptic, culinary, or other nonbeverage preparations, or to the

Sale of ethyl alcohol.

superintendent or authorized officer of a hospital, museum or laboratory or of an art, educational or public institution; *provided*, such manufacturer, superintendent or other person has a valid permit, obtained as herein provided, to receive and possess such alcohol; *and provided, further*, that the person selling such alcohol shall keep a record of all such sales in which shall be entered the date of the sale, kind and quantity of liquor sold, and the name and address of the person to whom sold; such record to be open to public inspection; *and provided, further*, that the person selling such alcohol shall securely fasten to the container holding it a legibly written or printed statement in English, signed by said person, and giving the following information: kind and quantity of contents, by whom sold (giving name and address), to whom sold (giving name and address), purpose for which sold and date of sale.

Record of sale.

Statement on container

Removal of statement from container.

When any container is emptied the aforesaid statement shall forthwith be removed therefrom and destroyed. It shall be unlawful for any person to remove aforesaid statement from such container until all of the alcohol has been removed therefrom, and it shall be unlawful to empty all or part of said alcohol from said container at any place other than the address of the purchaser as given in said statement, or for any purpose other than that for which it was sold.

Manufacture and sale of flavoring extracts, &c.

(g) The manufacture and sale of such preparations as flavoring extracts, essences, tinctures and perfumes, which do not contain more alcohol than is necessary for legitimate purposes of extraction, solution or preservation, and of remedies which do not contain more alcohol than is necessary for extraction, solution or preservation and which do contain drugs in sufficient quantities to medicate the compound; *provided*, that when any of the aforesaid preparations are manufactured in California, they shall be manufactured only by persons holding valid permits to keep alcohol for nonbeverage purposes, and such preparations, whether made in California or imported, shall be sold only for lawful purposes and not as beverages.

Not to be sold as beverages.

Intoxicating liquor in private homes.

(h) The keeping of any intoxicating liquor obtained before this act goes into effect at a time when and place where such liquor can be legally sold by any person at his home and the serving of same to members of his family or to guests, as an act of hospitality, when nothing of value or representative of value is received in return therefor, and when such home is not a place of public resort.

Transportation for non-beverage purposes.

(i) The transportation out of or into the State of California of intoxicating liquor for nonbeverage purposes when such liquor is shipped or received by a person holding a valid permit, obtained as herein provided, to manufacture, sell or receive such liquors; *and provided*, there is securely fastened to the container holding such liquor a legibly written or printed statement in English, signed by the shipper and

Statement on container.

giving the following information: kind and quantity of liquor therein, by whom sold (giving name and address), to whom sold (giving name and address), purpose for which sold and date of sale.

It shall be unlawful to remove aforesaid statement from said container while in transit within the State of California.

Removal of statement from container. Display of statement.

SEC. 10. It shall be unlawful for any person to carry or transport any intoxicating liquor within, into or out of the State of California without having on the outside of the container holding such liquors the written or printed statement required in the various paragraphs of section nine of this act, and said statement must be so attached that the words thereon may at all times be easily seen and read.

SEC. 11. Permits to sell intoxicating liquor for nonbeverage purposes, subject to the limitations and provisions herein provided, shall be issued by the state board of pharmacy of California to wholesale and retail druggists.

Permit for manufacture, sale, etc.

Permits to manufacture, import, sell and export intoxicating liquor for nonbeverage purposes, subject to the limitations and provisions herein provided, shall be issued by the state board of pharmacy to such persons as make sufficient showing that they have a legitimate demand, under this act, for intoxicating liquors for nonbeverage purposes.

Permits to buy and keep alcohol for nonbeverage purposes shall be issued by the state board of pharmacy to manufacturers of toilet, medicinal, antiseptic, culinary or other nonbeverage preparations, and to the superintendent or authorized officer of any hospital, museum or laboratory or of any art, educational or public institution.

SEC. 12. Any person desiring to obtain a permit as provided herein, shall file written application with the state board of pharmacy, giving his name and address, nature of his business or official position and full statement of grounds on which application is made. With each such application shall be sent a filing fee of five dollars, which shall be deposited in a special fund to be known as the "prohibition enforcement fund," which fund is hereby created for the payment of all expenses of said board in administering this act in the manner provided herein.

Application for permit.

The state board of pharmacy shall issue a permit when it is shown by applicant for such permit that he has a legitimate demand for intoxicating liquors and that he will observe all laws relating to the sale of such liquors. Such permits shall be for two years; *provided*, that any such permit may be revoked by the state board of pharmacy, if after a hearing, notice of which has been given to the holder of such permit, said board shall be satisfied that said holder has not observed the law relating to sale of intoxicating liquor. When any such permit shall have been revoked, it shall be discretionary with the state board of pharmacy whether or not any new permit shall thereafter be issued to the holder of the permit revoked.

Penalties.

SEC. 13. Any person holding a permit, obtained as herein provided, who manufactures, sells or furnishes intoxicating liquor in violation of this act shall, for a first offense, be fined not more than one thousand dollars and for a second offense shall be fined not less than two hundred dollars nor more than two thousand dollars and be imprisoned in the county jail for a term not exceeding six months; for a third and each subsequent offense he shall be fined not less than five hundred dollars nor more than five thousand dollars and be imprisoned in the state prison for a term not exceeding two years.

Any other person violating this act shall, for a first offense, be fined not more than six hundred dollars; for a second offense not less than two hundred dollars nor more than one thousand dollars and be imprisoned in the county jail for a term not exceeding six months; for a third and each subsequent offense he shall be fined not less than three hundred dollars nor more than one thousand dollars and be imprisoned in the state prison for a term not exceeding one year.

Place of prosecution.

SEC. 14. In case of an unlawful sale where a shipment or delivery of intoxicating liquor is made by a common or other carrier, the sale or delivery thereof shall be deemed to be made in the county wherein the delivery is made by such carrier to the consignee, his agent or employee. A prosecution for such sale or delivery may likewise be had in the county wherein the sale is made or from which the shipment is made or in any county through which the shipment is made.

Local or national jurisdiction.

SEC. 15. Nothing in this act shall be construed as limiting the power of any city or county, or city and county, to prohibit the manufacture, or sale of intoxicating liquors for beverage purposes within its corporate limits; neither shall anything in this act be construed as authorizing anything prohibited by any act of congress, now in force or hereafter adopted, relating to the liquor traffic.

Time of taking effect.

SEC. 16. This act shall take effect and be in force on the same day as the provisions of article eighteen of the constitution of the United States, prohibiting the manufacture, sale, transportation, importation or exportation of intoxicating liquors for beverage purposes, take effect.

CHAPTER 62.

An act to establish and permanently locate the boundary line between the county of Riverside and the county of San Bernardino.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. The boundary line between the county of Riverside and the county of San Bernardino is hereby established and permanently located as follows, to wit:

Beginning at a point on the eastern boundary of the State of California, where the east and west center line of township one south, range twenty-four east, San Bernardino base and meridian, or the prolongation thereof, intersects said eastern boundary of the State of California, thence westerly along section lines to the southeast corner of section seventeen, township one south, range sixteen east, San Bernardino base and meridian, thence south to the southeast corner of section thirty-two, same township and range, said point being on the township line between townships one and two south, San Bernardino base and meridian, thence west on said township line to the northeast corner of township two south, range one west, San Bernardino base and meridian, thence south to the southeast corner of section twelve, township two south, range one west, San Bernardino base and meridian, thence west to the southwest corner of section eight, township two south, range three west, San Bernardino base and meridian, thence north to the northwest corner of said section eight, thence west to the quarter corner on the south line of section two, township two south, range five west, San Bernardino base and meridian, thence north to the quarter corner on the north line of said section two, thence west to the southwest corner of section thirty-one, township one south, range six west, thence south along section lines to the northern boundary of the Jurupa rancho, thence southwestwardly along said north boundary to the northwest corner of said rancho, thence south along the west boundary of said Jurupa rancho to the quarter corner on the east line of section nine, township three south, range seven west, thence west in a direct line to center of section seven, same township and range, thence south in a direct line, to the quarter corner on the south line of section nineteen, township three south, range seven west, thence west to the east boundary of the El Canyon De Santa Ana rancho, thence southerly along the easterly boundary of said rancho to an intersection with course number seven of the boundary line, established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino counties, said point being a corner common to Orange, Riverside and San Bernardino counties.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Boundary
line between
counties of
Riverside
and San
Bernardino.

Repealed.

CHAPTER 63.

An act to amend section one thousand seven hundred twenty-six a of the Code of Civil Procedure, relating to funeral expenses of deceased persons.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand seven hundred twenty-six a of the Code of Civil Procedure is amended to read as follows:

Burial
expenses of
deceased
persons.

1726a. Whenever a public administrator takes possession of the estate of a deceased person, as provided in section one thousand seven hundred and twenty-six of this code, and the method of the defrayal of the expense of the burial of said deceased is not otherwise provided for by law, or by the rules, agreement or death benefits of any order or lodge to which the deceased may at the time of his death belong, or with which he may have been affiliated, the public administrator may, in order to defray the proper expenses of the burial of the body of the deceased, and the expenses of the last illness apply to a judge of the superior court of the county in which said public administrator is acting for an order permitting the public administrator to summarily sell any personal property belonging to the deceased, and to withdraw any money that the deceased may have on deposit with any bank, and to collect any indebtedness or claim that may be owing to or due the deceased. If upon such application it appears to the court by competent evidence, that the total value of the estate of the deceased is less than one hundred dollars the judge shall make an order granting the application and there shall be no administration upon the estate of the deceased unless additional estate be found or discovered. No notice of the application need be given and no fee shall be charged by the clerk of the court or the public administrator or his attorney for the filing of said application, or for any duty or service of the clerk or public administrator or his attorney connected therewith. Upon the sale of the personal property of the deceased, or the collection of any money, claim or indebtedness by the public administrator under said order the public administrator shall use the same for the expenses of the burial of the deceased, and the expenses of the last illness. The public administrator shall file with the clerk of the court a statement showing the property of the deceased that came into his hands and the disposition of the property of the deceased, and shall file with the clerk vouchers showing what disposition was made of the said property or of the proceeds thereof.

CHAPTER 64.

An act to amend section three of an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the state," approved March 1, 1889, as amended.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three of an act entitled "An act to create a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the state," approved March 4, 1889, as amended, is hereby amended to read as follows: Stats 1905, p. 412.

Sec. 3. Whenever any person at the taking effect of this act, or thereafter, shall have been duly appointed or selected, and sworn, and have served for twenty years, or more, in the aggregate, as a member, in any capacity or any rank whatever, of the regularly constituted police department of any such county, city and county, city, or town which may hereafter be subject to the provisions of this act, said board shall upon the application of such person, order and direct that such person, after becoming sixty years of age, be retired from further service in such police department, and from the date of the making of such order the service of such person in such police department shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one-half of the amount of salary attached to the rank which he may have held in said police department for the period of one year next preceding the date of such retirement; *provided*, that any person who comes within the purview of this section, who has otherwise complied with its provisions and who has served for thirty years or more as herein provided shall upon his application, be retired from further service upon a yearly pension equal to two-thirds of the amount of such yearly salary. Who entitled to receive police pensions.

CHAPTER 65.

An act granting state authority for the construction of a cutoff in the San Joaquin river to meet a public necessity.

[Approved April 15, 1919. In effect July 22, 1919.]

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

SECTION 1. The state board of control is by this act given authority to proceed with the securing of necessary rights of way and with co-operating agencies to procure the construc- Cut-off in San Joaquin river authorized.

tion of a proper navigable cut-off in the San Joaquin river from a point below the mouth of Stockton channel to a point above the junction of the Calaveras river for the purpose of meeting a public necessity which is hereby declared to exist at this place.

CHAPTER 66.

An act declaring and establishing a state highway from the town of Truckee running in a northeasterly direction along the present traveled road to the Nevada state line near Verdi.

[Approved April 15, 1919. In effect July 22, 1919.]

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

State
highway to
Nevada.

SECTION 1. A certain highway in Nevada and Sierra counties, running substantially as follows: From a point in the town of Truckee, where the present state highway branches at the subway under the Southern Pacific tracks, going toward Lake Tahoe, continuing through the town of Truckee, crossing Prosser creek and over what is known as the "Dog Valley grade," as far as the state line about one mile northwest of Verdi, Nevada, a distance of twenty-two and one-half miles, more or less.

The entire length thereof, is hereby declared to be and the same is hereby constituted a state highway, and the same is hereby placed under the supervision and control of the state highway commission of the state department of engineering; *provided*, that the said state department of engineering is empowered and authorized to change the route of said highway whenever and wherever it may be expedient.

CHAPTER 67.

An act to amend section four thousand two hundred sixty-three of the Political Code, relating to the compensation of officers in counties of the thirty-fourth class.

[Approved April 15, 1919. In effect July 22, 1919.]

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

Counties of
34th class,
salaries of
officers.

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

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 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 the sum of fifteen 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*, that in any year when a primary election is held, he shall receive the sum of five hundred dollars additional, which shall be in full for all services rendered at said primary election. County clerk.
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 services. Sheriff.
3. The recorder, three thousand two hundred dollars per annum. Recorder.
4. The auditor, eight hundred dollars per annum. Auditor.
5. The treasurer, two thousand five hundred dollars per annum. Treasurer.
6. The tax collector, six hundred fifty dollars per annum. Tax collector.
7. The assessor, five thousand five hundred dollars per annum. Assessor.
8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid. District attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.
10. The public administrator, four hundred dollars per annum. Public administrator.
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. Superintendent of schools.
12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.
13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and the actual expenses incurred in attendance and for traveling to and from his residence to the county seat at any regular or special session of the board, and that one-twelfth of the annual salary shall be paid at the close of each monthly 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 commissioner shall be reimbursed for all traveling, personal and Supervisors.

other necessary expenses incurred while actually engaged in the performance of his duty upon the roads; such allowance not to exceed the sum of five dollars for each day so actually engaged, and the total amount of such allowance not to exceed the sum of three hundred dollars per annum.

Classification
of townships.

14. 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 1910, as follows: Townships having a population of four thousand and more shall belong to and be known as townships of the first class; townships having a population of three 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 three thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries: in townships of the first class, the sum of one thousand two hundred dollars per annum; in townships of the second class, the sum of one thousand two hundred dollars per annum; in townships of the third class, the sum of six hundred dollars per annum; in townships of the fourth class, the sum of sixty 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: *provided, further*, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; *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.

Justices
of peace.

Constables.

15. The constables: (a) For all services rendered by them in civil cases, they may receive and retain for their own use such fees as now or hereafter may be allowed by law, and (b) For all services rendered by them in criminal cases they shall 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, and in addition constables in townships of the first class shall be allowed a salary of four hundred eighty dollars per annum; in townships of the second class, four hundred eighty dollars per annum; in townships of the third class, one thousand eighty dollars per annum; in townships of the fourth class, such fees as are now or may be hereafter allowed by law.

Court
reporter.

16. In the 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.

CHAPTER 68.

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

[Approved April 18, 1919. In effect July 22, 1919.]

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

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

4262. In counties of the thirty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Counties of 33d class, salaries of officers.

1. The county clerk, two thousand four hundred dollars County clerk. per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of twelve cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand five hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum. The county clerk shall also be allowed two copyists during the month of October in each even numbered year and prior to the holding of the November general election, said copyists to receive a salary of fifty dollars each for said month; said deputies and copyists to be appointed by the county clerk.

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any criminal business. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the sheriff; and such additional deputies as may be required to enforce the provisions of the motor vehicle law, said deputies to be appointed by the sheriff and to receive such compensation, to be paid out of the general fund of the county, as the board of supervisors may fix. Sheriff.

3. The recorder, two thousand four hundred dollars per annum. The recorder shall be allowed one chief deputy, who shall receive a salary of one thousand five hundred dollars per annum, and three additional deputies, each of whom shall Recorder.

receive a salary of one thousand two hundred dollars per annum; all of said deputies to be appointed by the recorder.

Auditor. 4. The auditor, two thousand four hundred dollars per annum. The auditor shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the auditor.

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

Tax collector. 6. The tax collector, two thousand dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the tax collector; *and provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November, and December at a salary of seventy-five dollars per month; said deputy to be appointed by the tax collector.

Assessor. 7. The assessor, three thousand six hundred dollars per annum. The assessor shall be allowed one chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred; one deputy at a salary of one thousand two hundred dollars per annum; two deputies for a period of three months each year at salaries of one hundred fifty dollars per month each; eight deputies for a period of two months each year at salaries of one hundred fifty dollars per month each; two deputies for a period of one month each year at salaries of one hundred fifty dollars per month each. The said deputies shall be appointed by the assessor at such time or times as said assessor shall see fit.

District attorney. 8. The district attorney, two thousand four hundred dollars per annum. The district attorney shall be allowed one stenographer at a salary of one thousand two hundred dollars per annum; said stenographer to be appointed by the district attorney.

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

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

Superintendent of schools. 11. The superintendent of schools, two thousand dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of education, and actual traveling expenses when visiting schools in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand two hundred dollars per annum; said deputy to be appointed by the superintendent of schools.

Surveyor. 12. The surveyor, such fees as are now or may hereafter be allowed by law; *provided*, the surveyor shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed four hundred dollars in any one year.

Population of townships. 13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of

the thirty-third class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section four thousand fifty-five of the Political Code. Townships having a population of five thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than five thousand and more than three thousand five hundred shall belong to and be known as townships of the second class. Townships having a population of less than three thousand five hundred shall belong to and be known as townships of the third class. Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one hundred dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, thirty-five dollars per month.

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, one hundred dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, thirty-five dollars per month. Constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court, and, in case of conviction, from the court to the county jail.

15. Supervisors, each, the sum of one thousand eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization. Each supervisor shall receive mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of their duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law.

17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only.

18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum.

19. The provisions of subdivision eighteen of this section shall have no force or effect unless the office therein anticipated is created by constitutional or legislative enactment.

Payment of salaries.

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

CHAPTER 69.

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

[Approved April 18, 1919. In effect July 22, 1919.]

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

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

Counties of 17th class, salaries of officers.

4246. In counties of the seventeenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: One deputy clerk at a salary of one thousand six hundred dollars per annum and one at a salary of one thousand five hundred dollars per annum and one at a salary of one thousand two hundred dollars per annum. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk. There shall be and hereby is allowed to the county clerk for the making of a complete registration of voters and of revising the same from time to time, as required by law, such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside of the office by deputy registration clerks, claims for the services of such additional clerks and assistants and for registration outside of his office shall be presented to and allowed by the board of supervisors as other claims against the county are presented and allowed.

Sheriff.

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 three deputies who shall be appointed by

the sheriff; one at a salary of one hundred fifty dollars per month, one at a salary of one hundred dollars per month, and one at a salary of ninety dollars per month. The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided, further*, that there shall be allowed the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage shall be turned over to the county and become the property of the county.

3. The recorder, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: one chief deputy at a salary of one hundred dollars per month, and two deputies at a salary of eighty-five dollars per month each, said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid. Recorder.

4. The auditor, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy, who shall be appointed by the auditor and paid a salary of one hundred ten dollars per month, said salary to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; *provided, also*, that in counties of this class there shall be and hereby is allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid. Auditor.

5. The treasurer, one thousand five hundred dollars per annum. Treasurer.

6. The tax collector, two thousand five hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of one thousand two hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of four hundred dollars in any one year. Claims for services of such additional clerks and assistants to be allowed and paid as other claims against Tax collector.

the county are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

Assessor.

7. The assessor, two thousand five hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two office deputies whose offices are hereby created, one of whom shall receive a salary of one thousand two hundred dollars per year and the other shall receive a salary of ninety dollars per month for seven months in each fiscal year; said deputies shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *provided, also*, that in the counties of this class there shall be and is hereby allowed to the assessor the following field deputies: two for a period of four months each during each fiscal year, whose offices are hereby created and who shall be appointed by the assessor and be paid a salary of two hundred dollars per month each; two for a period of four months each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid a salary of one hundred twenty-five dollars per month each; one for a period of four months during each fiscal year, whose office is hereby created and who shall be appointed by the assessor and be paid a salary of seventy-five dollars per month; and one for a period of four months during each fiscal year, who shall be appointed by the assessor and be paid a salary of sixty dollars per month; said salaries 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 the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid; *and provided, further*, that the assessor shall be allowed his actual traveling expenses including the expense of operating and maintaining an automobile, when engaged in attending to official business not exceeding the sum of two hundred dollars in any one year, claims for which expenses shall be allowed and paid, but if the county shall provide and maintain an automobile for the use of the assessor's office no transportation expenses shall be allowed the assessor or his deputies when traveling in the county. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

District
attorney.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created

and who shall be appointed by the district attorney and shall be paid salaries as follows: two deputies at a salary of one hundred fifty dollars per month each, and one stenographer at a salary of ninety dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid.

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

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

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his or her county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy, who shall be appointed by the superintendent of schools and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments, and at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid. Superintendent of schools.

12. The county surveyor, for all services required of him as county surveyor and also for all services which may be required of him as a road engineer, shall receive one thousand five 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 in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by said county surveyor at a salary of one hundred fifteen dollars per month, to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid; *provided, further*, that whenever said surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor he shall do so without charge or extra compensation therefor. Surveyor.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases: in townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of three thousand five hundred and not over ten thousand, seventy-five dollars per month; in townships having a population over two thousand and not over three thousand five hundred, fifty dollars per month; in townships under two thousand population, twenty-five dollars per month. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910. Justices of peace.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, seventy-five dollars per month; in townships having a population of three thousand five hundred and not over ten thousand, seventy dollars per month; in townships having a population of two thousand and not over three thousand five hundred, forty dollars per month; in townships having a population of under two thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Population of townships.

Supervisors.

15. Each supervisor for all services required of him as supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration and no traveling expenses shall be allowed.

CHAPTER 70.

An act to amend section one thousand six hundred ninety-six a of the Political Code, relating to schools.

[Approved April 18, 1919. In effect immediately.]

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

SECTION 1. Section one thousand six hundred ninety-six a of the Political Code is hereby amended to read as follows:

Substitute for destroyed school records.

1696a. Whenever in any school year, the school register or registers of any teacher or teachers or other records of any elementary or high school district may have been or shall hereafter be destroyed by conflagration or other public calamity, thereby preventing the teacher or teachers and school officers from making their annual reports in the usual manner and with accuracy, the affidavits of the teacher or teachers, the school principals or other officers of the school district certifying as to the contents of the destroyed registers or other records shall be accepted by all school authorities for all school purposes appertaining to the school district except that of

average daily attendance; and whenever the average daily attendance of any elementary or high school district has been materially affected in any school year by conflagration, public calamity or epidemic of unusual duration and prevalence, the regular annual reports of the teacher or teachers, the school principals or officers of the school district shall be accepted by all school officers for all school matters appertaining to the school district except that of average daily attendance; *provided*, that in case of conflagration or other public calamity, the superintendent of public instruction shall decide whether the attendance of such district has been affected sufficiently to justify the application of the provisions of this section, and shall notify the superintendent of schools of the county in which such school district is situated of his decision and in case of epidemic, the state board of health upon request of the superintendent of public instruction shall investigate the duration and prevalence of the epidemic in any such school district and decide whether the duration and prevalence thereof was sufficient to justify the application of the provisions of this section, and shall notify the superintendent of public instruction of its decision, and thereupon the superintendent of public instruction shall notify the superintendent of the county in which the school district is situated. The average daily attendance of any elementary or high school district whereof the register or registers of the teacher or teachers or any number of them, or other records may have been or shall hereafter be destroyed by conflagration or other public calamity, or whereof, by reason of conflagration or other public calamity or epidemic of unusual duration and prevalence its average daily attendance has been materially affected shall be its average daily attendance of the next preceding school year, increased or diminished by the average yearly increase or decrease, as the case may be, in average daily attendance during the three years next preceding; *provided*, that in any elementary or high school district which has not maintained school for all of the next preceding three years, the average daily attendance shall be the average daily attendance of the next preceding school year increased by seven per cent thereof. For the school year ending June 30, 1919, the average daily attendance of every elementary school district and of every high school district in the state, except districts that have not maintained school for the next preceding three years, shall be its average daily attendance for the school year ending June 30, 1918, increased or diminished by the average yearly increase or decrease, as the case may be, in average daily attendance calculated for the three years next preceding the school year ending June 30, 1918, and in case of every elementary school district and of every high school district that has not maintained school for all of the next preceding three years, the average daily attendance shall be the average daily attendance for the year ending June 30, 1918, increased by seven per

In case of epidemic.

Ascertaining average daily attendance.

Average
daily
attendance,
public
schools.

cent thereof; *provided*, that in case of each school district having an actual average daily attendance according to the annual report for the school year ending June 30, 1919, in excess of the average daily attendance computed as hereinbefore provided, the actual average daily attendance of such district shall be accepted by all school officers for all school matters appertaining to such school district, including the raising and apportioning of school moneys.

Sec. 2. Inasmuch as this act provides for an appropriation for the usual current expenses of the state it shall take effect immediately.

CHAPTER 71.

An act to amend section four thousand two hundred seventy-seven of the Political Code, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

[Approved April 18, 1919. In effect July 22, 1919.]

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

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

Counties of
48th class,
salaries of
officers.

4277. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

County clerk.

1. The county clerk, two thousand dollars per annum.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

Recorder.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder one deputy recorder who shall be appointed by the recorder and shall be paid a sum of one thousand two hundred dollars per annum, also one deputy recorder who shall be appointed by the recorder and shall be paid a salary of one thousand dollars per annum, said salaries to be paid in equal monthly installments at the same time and in the same manner as the salaries of other county officers are paid.

Auditor.

4. The auditor, five hundred dollars per annum.

Treasurer

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

Tax
collector.

6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector; *provided*, that in counties of this class there shall

be one deputy tax collector who shall be appointed by the tax collector of said county and shall receive a salary of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of county officers are paid.

7. The assessor, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be one chief deputy assessor and one deputy assessor who shall be appointed by the assessor of said county. Said deputy assessor shall serve as such only during the months of March, April, May and June of each year and shall receive a salary of one hundred dollars per month, payable during the period of such service, and said chief deputy assessor shall receive a salary of one thousand two hundred dollars per year, such salaries to be payable at the same time and in the same manner as the salaries of county officers are paid. Assessor.

8. The district attorney, one thousand five hundred dollars per annum. District attorney.

9. The coroner, five hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office. Coroner.

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

11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

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. Surveyor.

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. Supervisors.

14. In counties of this class the township officers shall receive the following compensation: For the purpose of fixing the compensation of justices of the peace and constables according to their duties townships in counties of this class are hereby classified according to their population as follows: Townships having a population of two thousand four hundred or more shall belong to and be known as townships of the first class. Townships having a population of more than one thousand two hundred and less than two thousand four hundred shall belong to and be known as townships of the second class. Townships having a population of less than one thousand two hundred shall belong to and be known as townships of the third class. Justices of the peace shall receive the following salaries: In townships of the first class forty dollars per Justices of peace.

month; in townships of the second class twenty dollars per month, and in townships of the third class fifteen dollars per month. Such salaries shall be paid in the same manner and out of the same fund as salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month.

Constables

15. Constables shall receive the following monthly salaries, payable at the same time and in the same manner as county officers are paid, which shall be in full for all services rendered by them in criminal actions: In townships of the first class thirty dollars per month; in townships of the second class fifteen dollars per month; in townships of the third class 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 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 keeping and caring for property seized by him under a writ of attachment or execution; *and provided, further*, that constables may retain for their own use, the fees which are now or may be hereafter allowed to them in civil cases.

Population
of townships.

16. For the purposes of sections fourteen and fifteen, the population of the several townships shall be ascertained by multiplying by two and one-half the number of registered voters in each township, at the last general election preceding the fixing of this classification.

Jurors.

17. Grand jurors and jurors in the superior court shall receive the following fees: For each day's attendance three dollars, and for each mile actually traveled in attending court as a juror, one way, fifteen cents.

Incumbents

18. When this law shall enter into effect it shall apply to and affect incumbents mentioned in section three.

CHAPTER 72.

An act to amend section five hundred eighty-one of the Code of Civil Procedure, relative to dismissals of action and entry of nonsuit.

[Approved April 18, 1919 In effect July 22, 1919]

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

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

581. An action may be dismissed, or a judgment of non-suit entered, in the following cases: Dismissals of
action and
entry of
nonsuit

1 By the plaintiff, by written request to the clerk, filed with the papers in the case, at any time before the trial, upon payment of his costs; *provided*, a counterclaim has not been set up, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the clerk to the defendant, who may have his action thereon;

2. By either party, upon the written consent of the other;

3. By the court, when either party fails to appear on the trial, and the other party appears and asks for the dismissal;

4. By the court, when, upon the trial and before the final submission of the case, the plaintiff abandons it;

5. By the court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury.

But no dismissal mentioned in subdivisions one and two hereof shall be entered unless upon written consent of his attorney of record, or if said consent is not obtained, upon order of the court, after notice to the attorney.

The dismissals mentioned in said subdivisions one and two hereof, when written consent of the attorney of record of the party requesting the dismissals are filed, may be made by entry in the clerk's register.

The dismissals mentioned in subdivisions three, four, and five of this section must be made by orders of the court entered upon the minutes thereof, and are effective for all purposes when so entered; but the clerk of the court must note such orders in his register of actions in the case.

CHAPTER 73.

An act to amend section two thousand six hundred ninety-two of the Political Code, relating to the opening of private ways for canals.

[Approved April 18, 1919 In effect July 22, 1919]

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

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

2692. Private or by-roads or private ways for an irrigation, seepage or drainage canal may be opened, laid out, or altered for the convenience of one or more residents or freeholders of any road district in the same manner as public roads are opened, laid out, or altered, except that only one petitioner shall be necessary, who must be either a resident or freeholder in said road district; and the board of supervisors may for like cause order the same to be viewed, opened, laid

Opening of
private ways
for canals.

Bond.

out, or altered, the person for whose benefit said road or private way for an irrigation, seepage or drainage canal is required paying the damages awarded to landowners, and keeping the same in repair; *provided*, that the petitioners must accompany the petition with the bond mentioned in section two thousand six hundred eighty-three, conditioned as provided in said section, and with a further condition that the bondsmen will pay to the person over whose land said road or private way for an irrigation, seepage or drainage canal is sought to be opened, his necessary costs and disbursements in contesting the opening of such road or private way for an irrigation, seepage or drainage canal, in case the petition be not granted; and the road or private way for a canal finally not opened; *provided*, that all private roads laid out, under the provisions of this act, shall be upon section or half section lines wherever practicable; *provided, further*, that any private way for an irrigation, seepage or drainage canal shall follow as nearly as possible the line of natural watercourses, but where this is not practicable, it shall follow as nearly as practicable section or half section lines.

CHAPTER 74.

An act to validate the organization and incorporation of municipal corporations.

[Approved April 18, 1919. In effect July 22, 1919.]

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

Organization
of municipal
corporations
validated.

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by the board of supervisors in this state declaring the same incorporated, as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all acts of the said municipal corporation heretofore performed according to the act aforesaid, are hereby validated, and declared to be legal, *provided, however*, that all municipal corporations shall be excepted from this act where the right to act as such is being contested or inquired into in legal proceedings brought within six months after a certified copy of the order of the board of supervisors was filed in the office of the secretary of state.

Exceptions.

CHAPTER 75.

An act to amend section three of an act entitled "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, 1909, as amended.

[Approved April 21, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three of an act entitled "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, 1909, as amended, is hereby amended so as to read as follows: Stats. 1917,
p. 650.

Sec. 3. The licenses herein provided for shall be issued as follows: Fees for
hunting
licenses.

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 who shall have declared his intention to become such citizen according to the law made and provided for such purpose, who is a bona fide resident of the State of California, upon the payment of ten dollars; *provided*, that after he has declared his intention to become a citizen, he must complete his naturalization at the earliest period allowed by law; *provided, further*, that said applicant shall make and subscribe an oath before the person issuing such license that he has not claimed his citizenship in a foreign country as a basis for avoiding service in the armed forces of the United States and the person issuing such license is hereby empowered to administer said oath.

Fourth—To any person not a citizen of the United States, upon the payment of twenty-five dollars, except as provided in the third subdivision of this section.

CHAPTER 76.

An act to amend section four thousand two hundred seventy-three of the Political Code, relating to salaries of county officers in counties of the forty-fourth class.

[Approved April 21, 1919. In effect July 22, 1919.]

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

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

4273. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties of
44th class,
salaries of
officers.

County clerk.

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand dollars per annum, which shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the clerk is paid.

Sheriff.

2. The sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. There is also hereby allowed the sheriff one office deputy who shall be appointed by the sheriff and who shall be paid a salary of one thousand two hundred dollars per annum, which shall be paid by the county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the sheriff is paid. The recorder, sixteen hundred dollars per annum, and in addition to his salary fifty per cent of fees collected by him when such fees are one hundred dollars or less and in addition thereto twenty-five per cent of all fees over one hundred dollars so collected.

Recorder.

Auditor.

4. The auditor, two thousand four hundred dollars per annum.

Treasurer.

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

Tax
collector.

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

Assessor.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum. District attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.
10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.
11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.
12. The surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors, and as ex officio county recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law. Surveyor.
13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Justices of 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, thirty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Constables.
15. Each supervisor, one hundred and twenty-five dollars per month, and mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate two hundred and fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county. Supervisors.

Reporter

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

Assistants
to surveyor.

17. The board of supervisors in counties of this class may, by resolution, authorize the county surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants and their actual necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

CHAPTER 77.

An act to add a new section to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, to be numbered nine ff, relative to salaries of county librarians.

[Approved April 21, 1919. In effect July 22, 1919.]

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

Stats. 1911,
p. 80.

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, to be numbered nine ff and to read as follows:

Counties of
32d class,
salary of
librarian.

Sec. 9ff. In counties of the thirty-second class the county librarian shall receive one thousand five hundred dollars per year.

CHAPTER 78.

An act to add a new section, to be numbered nine ii, to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911.

[Approved April 21, 1910. In effect July 22, 1910.]

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

SECTION 1. A new section is hereby added to an act entitled Stats. 1911, p. 80. "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, to be numbered 9ii and to read as follows:

Sec. 9ii. In counties of the thirty-fifth class the salary of the county librarian shall be one thousand eight hundred dollars per annum. Counties of 35th class, salary of librarian.

CHAPTER 79.

An act to amend the Civil Code by adding thereto a new section to be known as and numbered three hundred twenty-one c, relating to pooling or voting trust agreements between stockholders of corporations organized for the purpose of marketing agricultural or dairy products.

[Approved April 21, 1910. In effect July 22, 1910.]

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

SECTION 1. The Civil Code is hereby amended by adding thereto a new section to be numbered three hundred twenty-one c, to read as follows:

321c. Nothing contained in this article shall prevent the execution of valid pooling or voting trust agreements by the stockholders of a corporation organized for the purpose of marketing agricultural products, and the principal business of which is the preparation for and the marketing of such products, the majority of the stock of which is owned by producers of such products; and it shall be lawful for any number of the owners of the capital stock of such corporation, in order to prevent the capital stock thereof from being controlled by interests hostile to such producers and to secure safe and prudent management of the corporation in the Voting trust agreements in marketing corporations.

Voting trust
agreements
in marketing
corporations.

interests of the whole number of its stockholders, to enter into agreements with each other by which, for a definite period of time stated therein, the capital stock of such corporation owned by them shall be voted as the owners of a majority of the stock represented by such agreement shall direct from time to time, or to enter into agreements by which the stock to which they shall be entitled shall be issued to trustees selected from among the signers to be held and voted by such trustees for the period specified in and in accordance with the terms of said agreement, and the mutual promises of the several signers of any such agreement shall be sufficient consideration for the making thereof.

CHAPTER 80.

An act to recognize and declare valid all proceedings in Red Rock creek irrigation district.

[Approved April 27, 1919. In effect July 22, 1919.]

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

Red Rock
creek irriga-
tion distr.ct
validated.

SECTION 1. Red Rock creek irrigation district, as formed by the board of supervisors of the county of Lassen, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid.

CHAPTER 81.

An act to recognize and declare valid all proceedings in Tranquillity irrigation district.

[Approved April 27, 1919. In effect July 22, 1919.]

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

Tranquillity
irrigation
district
validated.

SECTION 1. Tranquillity irrigation district, as formed by the board of supervisors of the county of Fresno, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid.

CHAPTER 82.

An act to make available for the use of the United States war department suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation, and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States for the use of the war department thereof; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed.

[Approved April 21, 1919. In effect July 22, 1919.]

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

SECTION 1. Whenever the board of supervisors of any county or the legislative body of any municipal corporation now or hereafter organized in this state shall consider it desirable or expedient to tender to the United States for the use of the war department thereof, a designated number of acres at such location or locations within any such county or municipal corporation as may be determined upon by the said board of supervisors or legislative body, and such board of supervisors or legislative body shall also determine that it is desirable for the general welfare and benefit of the people of such county or municipal corporation and for the interests of the county or municipal corporation to incur an indebtedness in an amount sufficient to acquire land in such county or municipal corporation aggregating approximately the number of acres so designated at such location or locations as may have been selected and designated by the said board of supervisors or legislative body and in consideration of the benefits to be derived therefrom by such county or municipal corporation, to convey all such lands to the United States to be used by the war department of the United States for its use, such county or municipal corporation is hereby authorized and empowered by and through its said board of supervisors or legislative body to incur an indebtedness evidenced by negotiable bonds of such county or municipal corporation for such purposes, in any amount not exceeding, together with all existing bonded indebtedness of such county or municipal corporation, five per cent of the taxable property of the county or municipal corporation, as shown by the last equalized assessment book thereof, whenever two-thirds of the qualified

Indebtedness
to secure
land for
U. S. war
department
authorized.

electors of the county or municipal corporation voting thereon shall assent thereto, at any election, either general or special, at which the proposal to incur such bonded indebtedness may be submitted to such electors in the manner provided by law.

Bonds.

SEC. 2. The bonds authorized to be issued under the provisions of this act in the case of a county shall be issued in the manner provided for in section four thousand eighty-eight of the Political Code, and payment thereof, both principal and interest, shall be provided for by a tax levy in the same manner as is provided in said section for the payment of principal and interest of other bonds issued by any county, and said section, except as herein modified, is hereby specifically made applicable to all bonds at any time issued under the provisions of this act. The bonds authorized to be issued under the provisions of this act in the case of municipal corporations shall be issued in the manner provided for in an act entitled "An act authorizing the incurring of indebtedness by cities, townships and municipal corporations for municipal improvements, regulating the acquisition, construction and completion thereof," which became a law on February 25, 1901, without the approval of the governor, and the amendments thereto, and the payment thereof, both principal and interest, shall be provided for by a tax levy in the same manner as is provided in said act for the payment of the principal and interest of other bonds issued by any such municipal corporation, and said act, except as herein modified is specifically made applicable to all bonds at any time issued under the provisions of this act.

Right of eminent domain granted.

SEC. 3. The acquisition of land for the use thereof by the war department of the United States and all such military purposes as are now or may be then or thereafter authorized or provided by or under any law of the United States is hereby declared to be a public use, and the right of eminent domain is hereby granted and extended to every county and municipal corporation availing itself of the provisions of this act for every purpose of condemnation, appropriation or disposition intended by this act and such county or municipal corporation is hereby authorized and empowered to condemn and appropriate all lands and rights whatsoever necessary or convenient for carrying out the provisions of this act. Such right of eminent domain may be exercised on behalf of such public use in accordance with the provisions of title seven, part three of the Code of Civil Procedure of the State of California.

Title to conveyed lands.

SEC. 4. Pursuant to the constitution and laws of the United States and especially to paragraph seventeen of section eight of article one of such constitution, the consent of the legislature of the State of California is hereby given to the United States to acquire, upon the conditions and for the purposes herein set forth, from any county or municipal corporation acting under the provisions of this act, title to all lands herein intended to be referred to; such title to be evidenced by a deed or deeds of such county or municipal corporation, signed

by the chairman of said board of supervisors or the chairman of said legislative body and attested by the clerk of such county or municipal corporation under seal, and consent of the State of California is hereby given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land so conveyed by it; subject, however, to the right of the state to have concurrent jurisdiction so far that all process, civil or criminal, issued under authority of the state may be executed by the proper officers thereof within such tract, upon any person or persons amenable to the same in like manner and with like effect as if such conveyance had not been made. The said board of supervisors or legislative body shall have the power to insert in every conveyance made under the authority of this act, such conditions subsequent as such board or legislative body shall deem necessary to insure the use of such lands by the United States government for the purposes herein mentioned and to carry out the provisions of this act.

Title to
conveyed
lands.

CHAPTER 83.

An act to amend section six hundred eleven of the Political Code, relating to statements of condition of insurance companies.

[Approved April 21, 1919. In effect July 22, 1919.]

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

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

611. All insurance companies doing business in this state must make and file with the insurance commissioner, on or before the first day of March of each year, statements, which must exhibit the condition and affairs of every such company, on the thirty-first day of December then next preceding, a synopsis of which statements, as adjusted by the commissioner upon proper examination of the same, must be published by such company in the city or city and county where the principal office in this state is located, said publication to be daily for the period of one week in some daily newspaper of general circulation or four consecutive times in some weekly newspaper of general circulation; *provided, further*, that the companies engaged in the business of compensation insurance shall at such intervals as may be prescribed by the insurance commissioner file statements supplemental to such annual statements and covering such matters dealt with in said annual statements as may be designated by the insurance commissioner; neither such supplemental report nor any synopsis thereof shall be required to be published.

Publication
of statements
of insurance
companies.

Supplemental
report.

CHAPTER 84.

An act to amend the Political Code by adding thereto a new section to be numbered one thousand six hundred eighteen a, relating to the powers and duties of boards of school trustees and city boards of education; also to repeal an act entitled "An act to provide for health and development supervision in the public schools of the State of California," approved April 15, 1909.

[Approved April 21, 1910. In effect July 22, 1910.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered one thousand six hundred eighteen a, and to read as follows:

Health
supervision
of schools.

Physical
inspector.

1618a. *First*—Boards of school trustees, city and county boards of education are hereby authorized and empowered to provide for proper health supervision of the school buildings and pupils enrolled in the public schools under their jurisdiction. For this purpose, said boards may appoint a physical inspector or physical inspectors as the board may determine to consist of a physician, teacher, nurse, oculist, or dentist or any one or more of said persons; *provided*, that in case of the appointment of more than one physical inspector, said inspectors may, in the discretion of the board, all be chosen from any one of the classes designated. Said board may also appoint a nurse or nurses to work under the direction of the physical inspector or inspectors and may provide for the compensation of such employees; *provided*, that no money set aside for the payment of teachers' salaries or for library purposes may be used for this purpose.

Qualifica-
tions of
physical
inspectors.

Second—The qualifications of such employees shall be as follows: For a physician, an unrevoked certificate issued by the state board of medical examiners and a health and development certificate as hereinafter provided; for a teacher, a life diploma of California or a special credential in physical education, and a health and development certificate; for an oculist, a California certificate to practice medicine and surgery and a health and development certificate; for a dentist, a certificate issued by the state board of dental examiners of the State of California and a health and development certificate; for a nurse, a certificate of registration issued by the California state board of health and a health and development certificate.

Certificates
of physical
inspector.

Third—County or city and county boards of education are hereby authorized and empowered to grant health and development certificates to persons holding certificates to practice medicine and surgery issued by the California state board of medical examiners; to persons holding California life diplomas and special credentials in physical education, issued

by the state board of education; to persons holding certificates to practice dentistry issued by the California state board of dental examiners and to the holders of certificates of registration as nurses issued by the California state board of health when said applicant shall present with his certificate a credential from the state board of education showing special fitness and training for the work he is to do in the public schools.

Fourth—The board of school trustees or the city or city and county board of education shall make such rules for the examination of the pupils in the public schools under their jurisdiction as will insure proper care of the pupil and proper secrecy in connection with any defect noted by the physical inspector or his assistant and may tend to the correction of such physical defect or defects; *provided, however*, that a parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by such parent or guardian, stating that he will not consent to the physical examination of his child, and thereupon such child shall be exempt from any physical examination, but whenever there is good reason to believe that such child is suffering from a recognized contagious or infectious disease, such child shall be sent home and shall not be permitted to return until the school authorities are satisfied that such contagious or infectious disease does not exist. When a defect has been noted by the physical inspector or his assistant, a report shall be made to the parent or guardian of the child asking such parent or guardian to take such action as will cure such defect or defects.

Examination
of pupils.

The physical inspector shall make such reports from time to time as he may feel is best to the board of school trustees or city board of education, or as the board may call for showing the number of defective children in the schools of the district and the effort made to correct such defects.

Reports.

Fifth—In case the physical inspector shall note any defects in plumbing, lighting, heating, or other defects in the school building or buildings as may tend to make such building or buildings unfit for the proper housing of the children he shall at once make a detailed report to the board of trustees or the city board of education. If within fifteen days after he has filed this report, he finds that the board has made no provision for the correction of the defect, he shall at once report the same to the county superintendent of schools who shall under the provisions of section one thousand five hundred forty-six of the Political Code proceed to have such defect corrected.

Inspectors
to report on
condition
of school
buildings.

Sixth—The boards of school trustees or the city boards of education of two or more school districts in the same county may join in the employment of a physical inspector or physical inspectors, and may use funds not set aside for the payment of teachers' salaries or for library purposes for the expenses

Districts
may join in
employing
inspectors.

of such work. Such boards may employ a nurse or nurses under the direction of a physical inspector to examine the schools under their jurisdiction.

Inspectors
must hold
certificate.

Seventh—No physician, oculist, dentist, nurse or other person shall be employed or permitted to supervise the health and physical development of pupils under this section or any other provision of law unless such person holds a health and development certificate granted in accordance with the provisions of this section.

Act,
Stats. 1909,
p. 908,
repealed.

SEC. 2. An act entitled "An act to provide for health and development supervision in the public schools of the State of California" approved April 15, 1909, is hereby repealed.

CHAPTER 85.

An act to amend section three thousand eight hundred eighty-eight of the Political Code, relating to the payment of taxes.

[Approved April 21, 1919. In effect July 22, 1919.]

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

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

Taxes
payable in
legal tender.

3888. Taxes must be paid in legal tender or in money which is receivable in payment of taxes by the government of the United States. A tax levied for a special purpose shall be paid in such funds as may be directed.

CHAPTER 86.

An act to amend section one thousand eighty-eight of the Penal Code, relating to peremptory challenges.

[Approved April 21, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand eighty-eight of the Penal Code is hereby amended to read as follows:

Peremptory
challenges.
criminal
cases.

1088. If all challenges on both sides are disallowed, either party, first the people and then the defendant, may take a peremptory challenge unless the parties' peremptory challenges are exhausted; and each party shall be entitled to have the panel full before exercising any peremptory challenge.

CHAPTER 87.

An act to amend section six hundred one of the Code of Civil Procedure, relating to peremptory challenges.

[Approved April 21, 1919. In effect July 22, 1919.]

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

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

601. Either party may challenge the jurors, but where there are several parties on either side, they must join in the challenge before it can be made. The challenges are to individual jurors, and are either peremptory or for cause. Each party is entitled to four peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken by the parties alternately, commencing with the plaintiff, and each party shall be entitled to have the panel full before exercising any peremptory challenge.

Peremptory
challenges,
civil cases.

CHAPTER 88.

An act to amend section one thousand five hundred sixty of the Political Code, relating to teachers' institutes.

[Approved April 21, 1919. In effect July 22, 1919.]

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

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

1560. (1) The superintendent of every county in which there are twenty or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing seventy or more teachers, must hold at least one teachers' institute in each year; and every teacher employed in the schools of the county, city and county, or city school district holding such institute must attend the same and participate in its proceedings; and shall be paid his regular salary for the time covered by such attendance; *provided*, that the superintendents of two or more adjoining counties, or city and county, or city school districts may unite for the purpose of holding a joint institute or convention and may direct the teachers of their respective counties, city and county, or city school districts to attend the same in lieu of all or of a designated part of the county, city and county, or city school district institute, under the same conditions and compensations as are herein provided for the county, city and county, or city school district institute;

Teachers'
institutes.

Teachers
must attend

Joint
institutes.

Expense
of joint
institutes

provided, that the expense of such joint institute shall be borne proportionately by the counties, city and county, and city school districts participating therein, and shall not exceed two hundred dollars (\$200) for each county, city and county, or city school district participating therein; and shall be paid in each county from the unapportioned county school fund, in each city and county from the city and county school fund, and in each city school district from such school district's county school fund.

Refusal
to hold
institute

(2) A county superintendent of schools who shall refuse or neglect to hold an institute for any calendar year as directed by this section shall forfeit the last month's salary of the calendar 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 for December on proof of such neglect; *provided*, that in lieu of the institute of from three to five consecutive days, as provided in this section and in section one thousand five hundred sixty-two of the Political Code, the superintendent of any county in which there are twenty or more school districts, or of any city and county, or of any city school district governed by a city board of education and employing seventy or more teachers, may hold during the calendar year, at places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of neighboring schools, three or more series of local day or evening institutes which shall provide, at each of the chosen places, not less than ten hours of institute work; *provided*, that the superintendent may combine the annual institute plan with the local institute plan, by holding, during one or more days, not to exceed three, an annual meeting of all the teachers in the county, or city and county, or city school district, and also holding during the school year one or more series of evening institutes at local points in the county, or city and county, or city school district, the whole to provide not less than ten hours of institute work; *provided*, that in cities and counties one or more local day or evening institutes of not less than two hours each may be held on not less than three different dates during the year.

Alternative
plan in
counties
having more
than twenty
districts.

In case of
epidemic.

(3) In case of epidemic of unusual duration and prevalence in a city, county, or major portion of a county, or city, or city and county the superintendent of schools of the county, or city and county, with the consent of the superintendent of public instruction may dispense with the holding of the institute or institutes for the calendar year of such epidemic.

CHAPTER 89.

An act authorizing the city of Richmond to lease certain tide and submerged lands heretofore granted by the State of California to said city in trust.

[Approved April 21, 1919. In effect July 22, 1919.]

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

SECTION 1. The city of Richmond, a municipal corporation of the State of California, is hereby authorized and empowered to lease and let unto the Atchison, Topeka and Santa Fe Railway Company, its successors and assigns, for the term of ninety-nine years from and after the first day of January, 1919, the following described premises:

Lease of
tidelands by
city of
Richmond
authorized.

Beginning at the intersection of the official bulkhead line with the southwestern line of tideland lot number thirty-one in section twenty-two, township one north, range five west, Mount Diablo meridian, in the county of Contra Costa, State of California, said intersection being near the southwest corner of said tideland lot number thirty-one; thence south sixty-one degrees forty-five minutes east, eight hundred ninety-four and fifty-two hundredths feet, more or less, along the southwestern line of said tideland lot number thirty-one and tideland lot number thirty-two in said section to an angle point in the boundary line of said tideland lot number thirty-two; thence south fourteen degrees west, along the western boundary of said tideland lot number thirty-two a distance of three hundred fifty-six and four-tenths feet to station three hundred thirty-six of the exterior boundary of Rancho San Pablo; thence southerly and easterly, along said exterior boundary line, to station three hundred forty-four of said rancho boundary line, said last station being at the most western corner of tideland lot number twenty-five and one-half in section twenty-three, said township and range; thence southeasterly one hundred sixty-six and fifty-three hundredths feet, more or less, along the southwestern line of said tideland lot number twenty-five and one-half and of tideland lot number eight in section twenty-six, said township and range, to a point one hundred thirty feet westerly measured at right angles, from the western line of the sixty foot municipal highway known as Garrard boulevard; thence southerly, parallel with said western line of Garrard boulevard and its prolongation, three hundred nineteen and sixteen hundredths feet, more or less, to said official bulkhead line; thence westerly and northerly, along said bulkhead line, to the place of beginning, in accordance with and upon the considerations, terms, and conditions of that certain contract made and entered into between the said city and the said railway company dated May 1, 1918, and on file in the office of the clerk of said city, and the covenants, conditions and terms of such lease shall bind the parties thereto, their successors and assigns, and the State of California.

CHAPTER 90.

An act to amend section one thousand four hundred thirty-eight of the Penal Code, relating to the conduct of trial in justices' courts.

[Approved April 21, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand four hundred thirty-eight of the Penal Code is hereby amended to read as follows:

Attendance
of defendant
in justices'
courts.

1438. After the members of the jury are sworn, they must sit together and hear the proofs and allegations of the parties, which must be delivered in public and in the presence of the defendant and if any defendant be not present, the court or justice of the peace by an order or warrant may require the personal attendance of such defendant.

CHAPTER 91.

An act to amend section one thousand five hundred seventy-eight of the Political Code, relating to superintendent of schools, notice of hearing in regard to a petition for the formation of a new school district or a change of the boundaries of existing school districts, and the posting of such notice of hearing by the superintendent of schools.

[Approved April 21, 1919. In effect July 22, 1919.]

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

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

Duties of
superin-
tendent on
receipt of
petition.

1578. When a petition is presented under the foregoing section to the county superintendent of schools he shall examine the same and if he finds the same sufficient and signed as required by the section he shall set the same for hearing by the board of supervisors of his county at a regular meeting thereof and forthwith file the same with said board accompanied by his recommendations and a notice containing a general statement of the purpose of the petition and of the boundaries of the proposed new district, or the change of boundaries, as the case may be, and the time and place when and where the petition will be heard. At least ten days prior to said date of hearing he shall send by registered mail a copy of such notice to each of the trustees of each school district which may be affected by the proposed change, if any, and shall post or cause to be posted for the same period copies thereof in at least three public places in the territory proposed to be included

in the new district and in at least three public places in each of the districts affected thereby, if any, one of which shall be posted at the door of a schoolhouse, if any, of each of such districts. He shall attach to said original notice and submit therewith to said board of supervisors an affidavit of mailing and posting of said copies. Upon the filing with it of such petition, recommendations, notice and affidavit as herein required, the board of supervisors shall have jurisdiction to hear and determine said petition.

CHAPTER 92.

An act validating the formation and organization and proceedings of Los Angeles county drainage improvement district number three under the provisions of an act of the legislature of the State of California, approved March 21, 1903, as amended May 7, 1915, and entitled as amended: "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie, providing for the issuance of bonds and levying of assessments on lands benefited, to pay the cost and expenses thereof."

[Approved April 21, 1919. In effect July 22, 1919.]

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

SECTION 1. Los Angeles county drainage improvement district No. 3, organized, formed and established under the provisions of an act of the legislature of the State of California, approved March 21, 1903, amended May 7, 1915, and entitled as amended, "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie, providing for the issuance of bonds and levying of assessments on lands benefited, to pay the cost and expenses thereof," and all proceedings leading to such organization, formation or establishment of such district, and all acts and proceedings leading up to and providing for the issuance of the bonds of said district, are hereby legalized, ratified, confirmed and declared valid, and such bonds are declared to be the legal and binding obligation of and against said district; that all the powers given to such district and the officers thereof by said act are hereby declared to be enjoyed by said district, and all the acts of said district and its officers are hereby ratified and approved.

Los Angeles
county
drainage
improvement
district
No. 3
validated.

CHAPTER 93.

An act calling a special election to be held on Tuesday, July 1, 1919, and providing for the submission thereof to the qualified electors of the state of an amendment to the constitution of the State of California known as Senate Constitutional Amendment Number 27, proposed by the legislature of said state at its forty-third session, providing for the issuance of bonds to the amount of forty million dollars for the completion of the state highway system and the acquisition and construction of other state highways by the state department of engineering, and making an appropriation for the purposes of this act.

[Approved April 24, 1919. In effect immediately.]

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

Election for
state highway
bonds.

SECTION 1. A special election is hereby called for and shall be held throughout the State of California on Tuesday, the first day of July, 1919, and at such special election there shall be submitted to the qualified electors of said state, for adoption or rejection, in accordance with the provisions of section one of article eighteen of the constitution of said state, the amendment to said constitution known as Senate Constitutional Amendment No. 27 proposed by the legislature of said state at its forty-third regular session commencing on the sixth day of January, 1919, providing for the issuance of bonds to the amount of forty million dollars for the completion of the state highway system and the acquisition and construction of other state highways by the state department of engineering.

Conduct of
election.

SEC. 2. Except as otherwise expressly provided by this act, said election shall be proclaimed, held and conducted and the ballots shall be prepared, marked, voted, counted, canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the constitution applicable thereto and the laws governing elections in so far as the provisions thereof are applicable to the election called by this act.

Arguments
to be filed.

SEC. 3. The arguments provided for by section one thousand one hundred ninety-five of the Political Code must be delivered to the secretary of state within ten days following the adjournment of the legislature. Amendments thereof or changes therein may be made within ten days from such delivery, but not later. It shall be the duty of the attorney general to prepare and deliver to the secretary of state the ballot title provided for in section one thousand one hundred ninety-seven of the Political Code within ten days following the adjournment of the legislature. Written objection thereto may be filed with the secretary of state within ten days from such delivery, but not later.

SEC. 4. It shall be the duty of the board of control to have the said proposed amendment published in at least one newspaper in each county, or city and county, if one be published therein, throughout the state, once a week for four successive weeks preceding the election hereby called. The arguments provided for by section one thousand one hundred ninety-five of the Political Code shall be similarly published, in conjunction with the publication of such proposed amendment, and shall be printed with the latter, in immediate sequence, in each newspaper in which such publication is made. The publication of such proposed amendment and of such arguments shall be in lieu of that prescribed by the provisions of sections one thousand one hundred ninety-five *a* and one thousand one hundred ninety-five *b* of the Political Code, and no other publication shall be necessary or authorized.

Publication of proposed amendment.

SEC. 5. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, to defray the cost of publication hereby required. The state controller is hereby authorized and directed to draw his warrants, not exceeding said sum, in favor of the board of control for such purpose, and the state treasurer is hereby authorized and directed to pay the same.

Appropriation.

SEC. 6. This act, being an act calling an election, shall take effect immediately.

In effect when.

CHAPTER 94.

An act to add a new section to the Code of Civil Procedure, to be numbered eight hundred ninety a, relating to dismissal of actions in justices' courts.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

890a. Judgment of dismissal must be entered whenever the plaintiff fails to bring the action to trial within two years after the case is brought to an issue of law or fact, except where the parties have stipulated in writing that the time may be extended; *provided, however*, that in any action pending when this act takes effect, a judgment of dismissal shall not be entered under the direction hereof sooner than January 22, 1920.

Entry of judgment of dismissal.

CHAPTER 95.

An act authorizing counties and municipalities to perform street work upon highways under the control of the state.

[Approved May 3, 1919. In effect July 22, 1919.]

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

Local
improvements
on state
highway.

SECTION 1. The several counties, municipalities and road divisions of this state, within the limits of which may exist a state highway or highways under the jurisdiction and control of the state engineering department, are hereby empowered to do or order to be done on such highways any paving, curbing, street work or sewer work authorized by law; *provided, however*, that permission to do any such work shall first be obtained from the state department of engineering and all grades, elevations or curb lines sought to be established or pavement proposed to be constructed by any county, municipality or road division shall first be approved by said engineering department of the state: *and provided, further*, that in case any existing pavement should be injured as a result of such work, such pavement shall be restored to the satisfaction of said engineering department.

CHAPTER 96.

An act to amend section four thousand three hundred c of the Political Code, relating to the fees of recorders.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Fees of
recorders.

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For any copy of any record or paper on file in the office of the county recorder, when such copy is made by him, per folio, ten cents.

For examining and certifying to a copy of any record or paper on file in the recorder's office when such copy is prepared by another, three cents per folio for comparing such copy with the original.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents. Fees of recorders.

For abstract of title, for each conveyance or encumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record for each course, ten cents.

For recording or filing each map wherein land is subdivided in lots, tracts or parcels, five dollars.

For recording each map wherein corners, points or lines are located, one dollar.

For filing building contracts, plans and specifications, one dollar.

For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; *provided, however*, no charge or fee shall be made for recording or indexing any discharge of a soldier, sailor or marine discharged from the army or navy of the United States or for issuing certified copies thereof.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in this article fifty-nine of this chapter. Payment of fees into treasury.

CHAPTER 97.

An act to amend section one thousand three hundred four of the Code of Civil Procedure, relating to notice of time appointed for probate of will to be sent to heirs, devisees, legatees and named executors.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand three hundred four of the Code of Civil Procedure is hereby amended so as to read as follows:

1304. Copies of the notice of the time appointed for the probate of the will must be addressed to the heirs of the testator and the devisees and legatees named in the will, resident Notification of time for probate of will.

Notification
of time for
probate
of will.

in the state, at their places of residence, if known to the petitioner, and deposited in the post-office, with the postage thereon prepaid, at least ten days before the hearing. If their places of residence be not known, the copies of notice may be addressed to them, and deposited in the post-office at the county seat of the county where the proceedings are pending. A copy of the same notice must in like manner be mailed to the person named as executor, if he be not the petitioner; also, to any person named as co-executor not petitioning, if their places of residence be known. Proof of mailing the copies of the notice must be made at the hearing. Personal service of copies of the notice at least ten days before the day of hearing is equivalent to mailing.

CHAPTER 98.

An act to amend section two hundred ninety-nine of the Code of Civil Procedure, relating to the judgment in proceedings to remove or suspend an attorney.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two hundred ninety-nine of the Code of Civil Procedure is hereby amended to read as follows:

Judgment in
disbarment
proceedings.

299. Upon conviction, in cases arising under the first subdivision of section two hundred eighty-seven, the judgment of the court must be that the name of the party shall be stricken from the roll of attorneys and counselors of the court, and that he be precluded from practicing as such attorney or counselor in all the courts of this state; and upon conviction in cases under the other subdivisions of that section the judgment of the court may be according to the gravity of the offense charged; deprivation of the right to practice as attorney or counselor in the courts of this state permanently, or for a limited period.

Upon conviction and entry of judgment as hereinabove provided, such attorney shall be precluded from practicing as attorney at law, attorney or agent of another in all justice courts, recorder's courts, police courts and all other courts and tribunals in the State of California; or to hold himself out to the public as an attorney at law, during the time he is by such judgment deprived of the right to practice as attorney or counselor.

CHAPTER 99.

An act to add a new section to the Political Code to be numbered four thousand two hundred eighty-seven a, relating to the compensation and mileage of grand jurors in counties of the fifty-eighth class.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand two hundred eighty-seven a, and to read as follows:

4287a. In counties of the fifty-eighth class, each grand juror in the superior court shall receive for each day's attendance three dollars; for each mile actually traveled one way as such grand juror in the superior court on a summons or order of the court, thirty cents. The per diem and mileage of the grand jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

Counties of
58th class,
fees of
jurors.

CHAPTER 100.

An act to amend section six hundred fifty-seven of the Code of Civil Procedure, relating to the granting of new trials.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

657. The former verdict or other decision may be vacated and a new trial granted, on the application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of such party:

When new
trial may
be granted.

1. Irregularity in the proceedings of the court, jury, or adverse party, or any order of the court or abuse of discretion by which either party was prevented from having a fair trial;

2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors;

3. Accident or surprise, which ordinary prudence could not have guarded against;

When new
trial may
be granted.

4. Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial;

5. Excessive damages, appearing to have been given under the influence of passion or prejudice;

6. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law;

7. Error in law, occurring at the trial and excepted to by the party making the application.

When a new trial is granted upon the ground of the insufficiency of the evidence to sustain the verdict, the order shall so specify; otherwise, on appeal from such order, it will be presumed that the order was not based upon that ground.

CHAPTER 101.

An act to add a new section to the Penal Code to be numbered four hundred three a, prohibiting the use of a red flag in aid of anarchistic or seditious activities.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered four hundred three a, and to read as follows:

Use of
red flag
prohibited.

403a. Any person who displays a red flag, banner or badge or any flag, badge, banner, or device of any color or form whatever in any public place or in any meeting place or public assembly, or from or on any house, building or window as a sign, symbol or emblem of opposition to organized government or as an invitation or stimulus to anarchistic action or as an aid to propaganda that is of a seditious character is guilty of a felony.

CHAPTER 102.

An act to amend section three thousand seven hundred seventy-one of the Political Code, relating to notices of sale of forfeited lands.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Property
sold to
state.

3771. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties,

and costs have not been paid, shall, by operation of law and the declaration of the tax collector, be sold to the state, and said tax collector shall make an entry, "Sold to the state," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement, made pursuant to sections three thousand seven hundred ninety-seven, three thousand seven hundred ninety-eight and three thousand seven hundred ninety-nine; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due; *and provided, further*, that when the original tax amounts to the sum of three hundred dollars or more upon any piece of property or assessment delinquent, the state may bring suit against the owner of said property for the collection of said taxes, penalties, and costs, as provided in section three thousand eight hundred ninety-nine; *and provided, further*, that any property contained in the advertised list as provided for in section three thousand seven hundred sixty-four of this code, which has not been redeemed from the sale made to the state five years previously, shall be sold by the tax collector at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be accepted at such sale for less than the amount of all taxes, penalties and costs due as shown in said advertised list. After such bid has been made and accepted the right of redemption shall cease, except as to the purchaser, who shall have thirty days within which to make redemption, as provided in section three thousand seven hundred eighty-five *b* of this code, and if not so redeemed or if no sale is had under the provisions of this paragraph, then said property shall be deeded to the state as provided in section three thousand seven hundred eighty-five of this code; *and provided, further*, when any property is to be sold at public auction as provided in this section, within five days after the first publication of said delinquent list, the tax collector shall mail a copy of said list or publication, postage thereon prepaid and registered, to the party to whom the land was last assessed next before such sale, at his last known post-office address, or in lieu of mailing the entire printed list said tax collector may mail to the party to whom the land was last assessed next before the sale at his last known post-office address, postage thereon prepaid and registered, a printed notice of such sale, which notice shall be in substance, and may be in form as follows:

Owner may pay on day of sale.

Suit for collection.

Property not redeemed in five years sold to highest bidder.

List mailed to owner.

Notice mailed to owner.

"NOTICE OF TAX SALE.

In pursuance of law, notice is hereby given that unless sooner redeemed, the undersigned will on the ----- day of -----, 19-- commencing at -- o'clock, --M., and continuing from day to day thereafter if additional time is required to complete the sale, offer for sale at public auction to the highest bidder, all properties which were sold to the

Form of notice.

Form of notice property sold for delinquent taxes.

state for delinquent taxes for the year 19__ , on which the taxes remain unpaid, of which the following described property is a part and which property was assessed for the year 19__ to

and described as follows:

Redemption of the above described property may be had at any time prior to said sale.

For full information as to the amount necessary to redeem the property, apply to the county auditor of said _____ county.

(Signed) _____
Tax collector of said _____ county."

The money received hereunder shall be distributed as provided in section three thousand eight hundred ninety-eight of this code. The charge for advertising shall be at the rate fixed by the board of supervisors for other advertising in said county.

CHAPTER 103.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipality voting upon the question of incurring such indebtedness.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Municipal bond issues legalized.

SECTION 1. In all cases where the legislative branch of any municipality in this state has deemed it necessary to incur an indebtedness in excess of the ordinary annual income and revenue of such municipality, and has called an election for the purpose of submitting to the qualified electors of such municipality the question whether such indebtedness shall be incurred, and where at such election not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, the power of such municipality to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents

and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Municipal
bond
issues
legalized.

SEC. 2. This act shall not operate to legalize any bonds of any municipality that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such municipality voting at any such election, or any bonds which have been sold for less than their par value.

CHAPTER 104.

An act to amend the title and sections three, five and ten of an act entitled "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, when sold or offered or exposed for sale in containers, and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom and providing penalties for the violation thereof," approved May 21, 1913.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. The title of the act entitled, "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, when sold or offered or exposed for sale in containers, and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, is hereby amended to read as follows:

Stats. 1917,
p. 87.

An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof.

SEC. 2. Section three of said act approved May 24, 1913, is hereby amended to read as follows:

Stats. 1915,
p. 1263.

SEC. 3. The provisions of this act shall apply to foodstuffs and stuffs intended to be used or prepared for use as food or

Application
of act.

medicine for human beings and shall apply to any commodity when sold, offered or exposed for sale in containers.

Stats. 1917,
p. 87.

SEC. 3. Section five of said act approved May 24, 1913, is hereby amended to read as follows:

Designat on
of quantity.

Sec. 5. The designation of the quantity of the commodity required by section four of this act shall be in terms of weight, measure or numerical count, subject however to the following provisions:

(a) The quantity of the contents so marked shall be the net amount of food or stuff or other commodity in the package or container.

(b) If the designation is by weight it shall be in terms of avoirdupois pounds and ounces; if the designation is in liquid measure it shall be in terms of the United States gallon of two hundred thirty-one cubic inches and its customary subdivisions, *i. e.*, in gallons, quarts, pints, or fluid ounces; *provided, that*, by like method, such designations may be in terms of the metric system of weight or measure.

(c) The quantity of solids shall be designated in terms of weight, and of fluids in terms of measure, except in case of an article in respect to which there exists a definite trade custom; in such case the designation shall be in terms of weight, or measure, or numerical count, in accordance with such custom.

(d) The quantity of the contents shall be designated in terms of weight or measure, unless the container be marked by numerical count and such numerical count gives accurate information as to the quantity of the food or other commodity in the package. When designation is by numerical count it shall be in English words or Arabic numerals.

(e) The quantity of the contents may be stated in terms of minimum weight, minimum measure or minimum count, but in such cases the designation must approximate the actual quantity and there shall be no tolerance below the stated minimum.

(f) The quantity of viscous or semisolid foods, or of a mixture of solids and liquids, may be stated in terms of weight and measure. When products are packed in brine or other preserving fluids, the weight or measure of such brine or fluids shall not be included in the weight or measure of the edible or commodity indicated on the container.

Stats. 1917,
p. 88.

SEC. 4. Section ten of said act approved May 24, 1913, is hereby amended to read as follows:

Container
defined.

Sec. 10. The term container used in this act is hereby defined to be any receptacle or carton into which a commodity is packed, or any wrappings with which any commodity is wrapped or put for sale, or to be offered or exposed for sale. No containers, boxes, or baskets wherein food products or other commodities are packed shall have a false bottom, or be so constructed as to facilitate the perpetration of deception or fraud.

CHAPTER 105.

An act to add a new section to the Penal Code to be numbered three hundred ten a, relating to the bear flag of California and providing a penalty for the desecration thereof.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered section three hundred ten a:

Sec. 310a. Any person, firm or corporation who in any man-^{Protection}ner, for exhibition or display, puts, places or causes to be ^{of Bear}placed, an inscription, picture, device, design, symbol, name, ^{Flag.}advertisement, word, letter, character, mark or notice of any kind whatsoever upon any flag of the State of California, as designated and described in "An act to select and adopt the Bear Flag as the state flag of California," approved February 3, 1911, or ensign evidently purporting to be such flag or any design thereof, or who in any manner appends, annexes or affixes to any such flag or any design thereof 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 said State of California or ensign purporting to be such flag or any design thereof, 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 or any design thereof, said flag being 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 an advertisement or of a commercial or other trademark, 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 may have inscriptions, names of actions, battles, skirmishes, or words, marks or symbols, which are placed thereon pursuant to law or authorized regulations; *and provided, further,* that patriotic societies which at the date of the passage hereof have and are using as emblems or badges of membership in said societies a design consisting of a single star and stripe and a bear, together with words or letters on or in proximity to the design indicating the society of which it is the emblem, may continue the manufacture and use of such emblems or badges as insignia of membership in said societies.

CHAPTER 106.

An act to amend section three of an act entitled "An act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this act," which became a law, under constitutional provision without the governor's approval, March 21, 1911, as amended by an act approved May 18, 1917.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 695.

SECTION 1. Section three of an act entitled "An act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this act," which became a law under constitutional provision without the governor's approval, March 21, 1911, as amended by an act approved May 18, 1917, is hereby amended to read as follows:

Magazine.

Sec. 3. Magazines in which explosives may lawfully be stored or kept shall be two classes, as follows:

First
class.

(a) Magazines of the first class shall consist of those containing explosives exceeding one hundred pounds, and shall be constructed wholly of brick, wood covered with iron, or other fireproof material, and must be fireproof, and, except magazines where gunpowder or black blasting powder only is stored must be bullet proof, and shall have no openings except for ventilation and entrance. The doors of such magazines must be fireproof and bullet proof, and at all times kept closed and locked, except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. Every such magazine shall have sufficient openings for ventilation thereof, which must be screened in such manner as to prevent the entrance of sparks or fire through the same. Upon each side of such magazine there shall at all times be kept conspicuously posted a sign, with the words, "magazine," "explosives," "dangerous," legibly printed thereon in letters not less than six inches high. No matches, fire or lighting device of any kind except electric light shall at any time be permitted in any such magazines. No package of explosives shall at any time be opened in any magazine. No blasting caps, or other detonating or fulminating caps, or detonators, or electric fuzees, shall be kept or stored in any magazine in which explosives are kept or stored, but such caps, detonators or fuzees may be kept or stored in a magazine constructed as above provided which must be located at least one hundred feet from any magazine in which explosives are kept or stored. Magazines in which explosives are kept or stored must be detached and must be located at least one hundred feet from any other structure.

(b) On and after January 1, 1919, the quantity of explosives that may be lawfully had, kept or stored in any magazine shall depend upon the distance that such magazine is situated from buildings, highways, or railroads, and upon the protection afforded by natural or efficient artificial barricades to such buildings, highways or railroads. Whenever any of the quantities given in column one of the quantity and distance table hereinafter set forth is had, kept or stored in any magazine in this state, the distance that any quantity given in column one of said table may be lawfully had, kept or stored from buildings is the distance set opposite said quantity in column two of said table, and the distance that any quantity in column one of said table, may be lawfully had, kept or stored from railroads is the distance set opposite said quantity in column three of said table, and the distance that any quantity given in column one of said table may be lawfully had, kept or stored from highways is the distance set opposite said quantity in column four of said table. The quantity and distance table governing the keeping or storing of explosives is as follows:

QUANTITY AND DISTANCE TABLE.

Column 1 Quantity that may be lawfully kept or stored from nearest building, highway or railroad				Column 2	Column 3	Column 4	Quantity and distance table.
Blasting caps		Other explosives		Distance from nearest building, feet	Distance from nearest railroad, feet	Distance from nearest highway, feet	
Number over	Number not over	Pounds over	Pounds not over				
1,000	5,000			30	20	10	
5,000	10,000			60	40	20	
10,000	20,000			120	70	35	
20,000	25,000		50	145	90	45	
25,000	50,000	50	100	240	140	70	
50,000	100,000	100	200	360	220	110	
100,000	150,000	200	300	520	310	150	
150,000	200,000	300	400	640	380	190	
200,000	250,000	400	500	720	430	220	
250,000	300,000	500	600	800	480	240	
300,000	350,000	600	700	860	520	260	
350,000	400,000	700	800	920	550	280	
400,000	450,000	800	900	980	590	300	
450,000	500,000	900	1,000	1,020	610	310	
500,000	750,000	1,000	1,500	1,060	640	320	
750,000	1,000,000	1,500	2,000	1,200	720	360	
1,000,000	1,500,000	2,000	3,000	1,300	780	390	
1,500,000	2,000,000	3,000	4,000	1,420	850	420	
2,000,000	2,500,000	4,000	5,000	1,500	900	450	
		5,000	6,000	1,560	940	470	
		6,000	7,000	1,610	970	490	
		7,000	8,000	1,660	1,000	500	
		8,000	9,000	1,700	1,020	510	
		9,000	10,000	1,740	1,040	520	
		10,000	20,000	1,780	1,070	530	
		20,000	30,000	2,110	1,270	630	
		30,000	40,000	2,410	1,450	720	
		40,000	50,000	2,680	1,610	800	
		50,000	60,000	2,920	1,750	880	
		60,000	70,000	3,130	1,880	940	
		70,000	80,000	3,310	1,990	1,000	
		80,000	90,000	3,460	2,080	1,040	
		90,000	100,000	3,580	2,150	1,080	
		100,000	200,000	3,800	2,280	1,140	
		200,000	300,000	4,310	2,590	1,300	

Distances reduced one-half, when.

Whenever the building, railroad or highway to be protected is effectually screened from the magazine, where explosives are had, kept or stored, either by natural features of the ground or by an efficient artificial barricade of such height that any straight line drawn from the top of any side wall of the magazine to any part of the building to be protected, will pass through such intervening natural or efficient artificial barricade, and any straight line drawn from the top of any side wall of the magazine to any point twelve feet above the center of the railroad or highway to be protected will pass through such intervening natural or efficient artificial barricade, the applicable distances given in column two, three and four of the quantity and distance table may be reduced one-half.

Table not applicable, when.

Whenever the building, railroad or highway to be protected is effectually screened from the magazine, where explosives are had, kept or stored by a natural barrier which, at any one point thereon, is forty feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building to be protected or to any point twelve feet above the center of the railroad or highway to be protected, which natural barrier has a natural thickness of not less than two hundred feet where the same is intersected by the straight line drawn as aforesaid then, the quantity and distance table shall not be applicable to such magazine.

Quantity reduced, when.

If at any time the distances from a magazine to a building, highway or railroad be decreased through the construction of a new building, highway or railroad or by any other means, then the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to correspond with the quantity and distance table; *provided*, in the case of a new building, that the same is constructed in good faith for any of the purposes specified in the following paragraph, and not with intent to annoy, harass, oppress or hinder the owner of said magazine.

"Building."

The term "building" when used in the foregoing table shall be held to mean and include only any building regularly occupied in whole or in part as a habitation for human beings, and any store, church, schoolhouse, railway station or other public place of assembly.

"Highway."

The term "highway" when used in the foregoing table shall be held to mean public streets or public roads, and shall not include roads constructed and maintained by private persons.

"Railroad"

The term "railroad" when used in the foregoing table shall be held to mean and include any steam, electric or other railroad that carries passengers or articles of commerce for hire.

"Efficient artificial barricade."

The term "efficient artificial barricade" when used in the foregoing shall be held to mean an artificial mound or properly revetted wall of earth of a thickness of not less than

three feet. The provisions of this subsection (b) shall not apply to mining or quarrying operations. Nothing contained in this subsection (b) shall be held to prohibit the keeping or storing of explosives at any explosive manufacturing plant which was actually used in manufacturing explosives prior to the fifteenth day of April, 1917.

(c) Magazines of the second class shall consist of a stout box, and not more than one hundred pounds of explosives shall at any time be kept or stored therein, and, except when necessarily opened for use by authorized persons, shall at all times be kept securely locked. Upon each such magazine there shall at all times be kept conspicuously posted a sign with the words, "magazine," "explosives," "dangerous," legibly printed thereon. Magazines of second class.

Nothing in this section contained shall be held to prohibit the keeping or storing of explosives in any tunnel, where no person or persons are employed; *provided, always,* that any tunnel so used for the storage of explosives shall have fireproof doors, which must at all times be kept closed and locked, except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. The door of such tunnel magazine shall at all times have legibly printed thereon the words, "magazine," "explosives," "dangerous." Storage in tunnels.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealed.

CHAPTER 107.

An act to provide for teachers employed by the California Polytechnic, the Whittier State School, the California School for Girls, the Preston School of Industry, and the California School for the Deaf and Blind holding valid certificates in this state being made subject to the burdens and entitling them to all the benefits of an act entitled "An act to provide for the payment of retirement salaries to public school teachers; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund; providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. All teachers employed by the Whittier State School, the California School for Girls, the Preston School of Industry, the California Polytechnic School in the county of San Luis Obispo, and the California School for the Deaf and the Blind holding valid certificates in this state shall be Teachers in state schools entitled to pension benefits.

Teachers
in state
schools
entitled
to pension
benefits.

subject to the burdens and entitled to all the benefits of an act entitled "An act to provide for the payment of retirement salaries to public school teachers; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund; providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913; and the contributions of said teachers shall be collected and paid into the treasury of the state in the same manner as in the several state normal schools.

CHAPTER 108.

An act to add a new section to the Political Code to be numbered four thousand two hundred twenty-five a, relating to the appointment, powers, duties and compensation of health officers of incorporated cities, towns and chartered cities, and the powers of municipalities and counties to contract in relation thereto.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Contract
for county
health
officer to
exercise
functions
in city.

4225a. The board of supervisors of any county wherein a county health officer has been appointed under the provisions of section four thousand two hundred twenty-five of the Political Code shall have power to contract with any incorporated city or town or chartered city within such county, and such incorporated city, town or chartered city therein, through its board of trustees, council or other legislative body, shall have power to contract with such county for the performance by health officers or other employees of health departments of any or all functions relating to public health. Whenever such contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties within such city or town or chartered city as are conferred upon health officers thereof by state law and local ordinance within such city or county. In any such contract the city, town or chartered city shall have power and authority to provide for the payment by such incorporated city or town or chartered city to the county of such consideration as may be agreed upon, the same to be paid to the county treasurer of the county.

Contract
for city
health
officer to
exercise
functions
in county.

The board of supervisors of any county may contract with any incorporated city or town or chartered city within such county, through its board of trustees, council or other legislative body, to secure the performance by the health officer or

other health department employees of such city, town or chartered city, or in any unincorporated territory adjacent thereto, of any or all functions relating to public health. Payment for said services in such unincorporated territory shall be made by the county to the city treasurer of such city or town or chartered city.

Said contracts may further provide for the care and support, including medical attendance, of indigent sick, and for compensation therefor.

CHAPTER 109.

An act to amend section four of an act entitled "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, and to add two new sections thereto to be numbered sections five and six.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section four of an act entitled "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, is hereby amended so as to read as follows:

Stats. 1915,
p. 93.

Sec. 4. Whenever the city councils, sanitary boards or other legislative bodies of two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, shall by resolutions adopted by them determine and declare that it will be for the interest or advantage of such municipal corporations or sanitary districts to do so, such municipal corporations or sanitary districts, by their respective councils, sanitary boards, or other legislative bodies, may enter into a joint agreement authorizing and providing for the joint 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 sanitary districts, including the joint construction and maintenance of all necessary outfall sewers, whether constructed within or outside of the exterior boundaries of such municipal corporations or sanitary districts, and by such joint agreement shall provide

Sewers,
water
mains, etc
constructed
by municipal-
ities
for joint
use.

Sewers,
water
mains, etc.,
constructed
by muni-
cipalities for
joint use.

for the joint payment of the cost and expense of and for the joint use, benefit and maintenance of all such sewers, outfall sewers, water mains and other conduits, upon such terms and conditions, and under such regulations, as may be approved by the city councils, sanitary boards or other legislative bodies of all such municipal corporations or sanitary districts; and the city council, sanitary board or other legislative body of each such municipal corporation or sanitary district may, and are hereby vested with power to, bind and obligate such municipal corporations or sanitary districts to pay such proportionate part of the cost of the construction of such sewer, outfall sewer, water mains, or other conduits, at such times and in such installments as may be provided for in such joint agreement. All contracts for the construction of sewers, outfall sewers, water mains, or other conduits, under the provisions of this section shall be made and entered into by the one of such municipal corporations or sanitary districts designated by the city councils, sanitary boards or other legislative bodies of all such municipal corporations or sanitary districts, and in the manner provided in section three of this act. Two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, may also, by their city councils, sanitary boards, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations or sanitary districts, of any sewers, outfall sewers, water mains, or other conduits theretofore, constructed in whole or in part in the streets or other public places of either or any such municipal corporations or sanitary districts, upon such terms and conditions as they by mutual agreement may by their respective city councils, sanitary boards or other legislative bodies, determine to be proper. Authority is hereby specifically granted to use the streets within the public corporations entering into such an agreement, for the construction and maintenance of sewers provided for by this section, and whenever it is necessary to extend such sewers without the limits of the public corporations entering into such joint or mutual agreement then authority is hereby granted to use public highways without the limits of an incorporated city for the construction and maintenance of such sewers subject only to the right of the board of supervisors to make reasonable police regulations for the protection of the highways so used.

Use of
streets
authorized.

SEC. 2. A new section is hereby added to the said act approved March 22, 1909, to be numbered five and to read as follows:

Payment
for joint
construction.

Sec. 5. Whenever any municipal corporation or sanitary district shall enter into a joint agreement for the joint construction and maintenance of sewers, outfall sewers, water mains or other conduits, as provided for in section four of this act, then the proportionate part of the cost and expense of the construction and maintenance of such sewers, outfall

sewers, water mains or other conduits required to be paid by such municipal corporation or sanitary district, as provided for in the joint agreement entered into by any such municipal corporation or sanitary district, may be raised by any means provided by law including the issuance and sale of the bonds of such municipal corporation or sanitary district.

SEC. 3. A new section is hereby added to the said act approved March 22, 1909, to be numbered six and to read as follows:

Sec. 6. Whenever, in the construction of any sewer, outfall sewer, water main or other conduit authorized or provided for by this act it shall become necessary to take or damage private property, all such property necessary may be condemned and taken by appropriate action under the right of eminent domain. Such action shall in all respects be subject to and governed by the Code of Civil Procedure relating to eminent domain; *provided*, that all such actions may be brought by and in the name of the one of the municipal corporations or sanitary districts designated by all of the municipal corporations or sanitary districts which have entered into such joint agreement for the construction thereof.

Right of eminent domain.

CHAPTER 110.

An act to amend section one thousand seven hundred sixty-eight of the Code of Civil Procedure, and repealing an act entitled "An act to amend section one thousand seven hundred sixty-eight of the Code of Civil Procedure," approved March 23, 1907, printed as chapter five hundred twenty-six, statutes of 1907, relating to the powers and duties of guardians.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand seven hundred sixty-eight of the Code of Civil Procedure is hereby amended to read as follows:

1768. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, must pay all just debts due from the ward out of his personal estate and the income of his real estate, if sufficient; if not, then out of his real estate upon obtaining an order for the sale or mortgage thereof, and disposing of the same in the manner provided in article four of this chapter.

Payment of ward's debts by guardian.

SEC. 2. An act entitled "An act to amend section one thousand seven hundred sixty-eight of the Code of Civil Procedure," approved March 23, 1907, printed as chapter five hundred twenty-six, statutes of 1907, is hereby repealed.

Act, Stats. 1907, p. 981, repealed.

CHAPTER 111.

An act to amend section seventy-three of the Civil Code, relating to the authentication of marriages.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Authenti-
cation of
marriages.

73. The person solemnizing a marriage must make, sign and endorse upon or attach to the license a certificate showing:

1. The fact, time and place of solemnization; and
2. The names and places of residence of one or more witnesses to the ceremony.

3. A statement of the official position of the person solemnizing the marriage, or of the denomination of which said person is a priest or minister.

CHAPTER 112.

An act to amend section nine hundred twenty-eight of the Penal Code, relating to the duty of grand juries relative to examination of books.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Grand
jury to
examine
books.

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records, and accounts of all the officers of the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, not to exceed ten dollars a day, to be first approved by the court; and if, in their judgment, the services of assistants to such expert are required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court, not to exceed, however, five dollars a day for each assistant, such compensation of expert and assistants to be payable as other county charges. It shall be the duty of every grand jury first empaneled in even-numbered years to investigate and report upon the needs of all county officers in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition or creation of offices and the equipment for, or the method or system

of performing the duties of the several offices, and it shall cause a copy of such report to be transmitted to each member of the legislature representing the county in which it has been empaneled before the commencement of the regular session of the legislature in odd-numbered years. The judge, on empanelment of the grand jury, shall charge them especially as to their duties under this section; *provided*, that if any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury, the said comments shall not be deemed to be privileged. Any and all expenses incurred under this section and also the per diem and mileage where allowed by law, of the grand jurors, shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county. Expenses.

CHAPTER 113.

An act to amend section three thousand eight hundred one of the Political Code, relating to delinquent taxes.

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

3801. It shall be the duty of the tax collector within thirty days after the sale of any land for delinquent taxes to furnish to the auditor a complete printed list of all such land so sold, and thereupon the auditor shall enter upon the assessment book of the current year immediately after the description of the property the fact that said property has been sold for taxes and the date of such sale. The auditor shall transmit said list to the assessor who shall thereupon enter upon the proper books of his office the fact that said property has been sold for taxes and the date of such sale.

List of
land
sold for
delinquent
taxes.

CHAPTER 114.

An act to amend section one thousand eight hundred seventy-seven of the Political Code, relating to printing and binding for school officers and institutions by the department of state printing.

[Approved May 2, 1919. In effect July 22, 1919.]

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

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

Printing
for school
officers
by state
printer.

1877. All printing or binding required by the superintendent of public instruction or the state board of education or by any educational institution except the University of California supported entirely out of state funds, and all school registers and blank forms prescribed by the superintendent of public instruction for the use of officers charged with the administration of the laws relating to the public schools, including blank teachers' certificates, and diplomas of graduation from elementary schools in districts not governed by city boards of education, must be executed by the state printer in the form and manner and at the prices of other state printing and be paid for in like manner.

CHAPTER 115.

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

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

Meetings
of board
of trustees.

Sec. 859. At any meeting of the board of trustees a majority of the trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance; and in the absence of all of the trustees from any meeting the clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon

Notice of
adjourned
meeting.

give to each of the trustees written notice of the time to which the meeting has been adjourned, which notice may be delivered personally to the trustee or may be left at his known residence or place of business at least six hours before the time to which the meeting has been postponed. The president of the board shall preside at all meetings of the board, and in case of his absence the board may appoint a president pro tempore; and in case of the absence of the clerk, the president or president pro tempore shall appoint one of the members of the board clerk pro tempore.

CHAPTER 116.

An act to amend section three thousand eight hundred sixty-six of the Political Code, relating to settlements of county treasurers with the state.

[Approved May 2, 1919. In effect July 22, 1919.]

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

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

3866. The treasurers of all of the counties and cities and counties of this state must, between the fifteenth and thirtieth days of December and May of each year, settle in full with the controller of state and pay over in cash to the treasurer of state all funds belonging to the state which have come into their hands as county treasurers before the close of business on and including the first Monday of said months, except principal and interest received on account of state school lands which shall be settled for up to and including the last day of the month prior to the month of settlement. If, in the opinion of the controller of state, it appears from the report of the county auditor that sufficient taxes or other revenues have not been collected to make it for the interest of the state that a settlement should be made, the controller shall defer the settlement until the next regular settlement. No mileage, fees or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any settlement is so deferred, the county auditor in his next report to the controller of state, shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made.

Settlements
of county
treasurers
with
state.

Deferred
settlements

CHAPTER 117.

An act to amend section four thousand two hundred ninety-seven of the Political Code, relating to the fees of county officers.

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

Fees not
to be
charged,
when.

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office, nor fees or other compensation shall be paid for service rendered in an affidavit or application relating to the securing of a pension or the payment of a pension voucher, or any matter relating thereto, nor for any services rendered in making certified copies of birth, death or marriage records wherein the same are to be used by any person in connection with enlistment in the army or navy, nor for any services rendered in connection with assisting in preparing such certified copies to be used in presenting claims against the United States government for insurance, allowance or allotment, nor filing nor swearing to any claim or demand against any county in this state.

CHAPTER 118.

An act to amend section two of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, as amended.

[Approved April 30, 1919. In effect July 22, 1919.]

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

Stats 1895,
p. 219.

SECTION 1. Section two of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California except municipal corporations of

the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations" approved March 27, 1895, as amended, is hereby amended so as to read as follows:

Sec. 2. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, except municipal corporations of the first class, shall have power to elect that the duties of the city treasurer of such city or municipal corporation, shall be performed by the county treasurer of the county in which such city or municipal corporation is situated; and whenever such board of trustees, common council or other legislative body shall by ordinance so determine such duties shall be performed by the treasurer of the county in which such city or municipal corporation is situated. Certified copies of such ordinance shall be served on the auditor, tax collector, and treasurer of such county, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to said city or municipal corporation, in the hands of the treasurer.

Duties of city treasurer may be performed by county treasurer.

CHAPTER 119.

An act to amend section four thousand one hundred twelve of the Political Code, relating to county treasurers' reports.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

4112. Each county treasurer must make a detailed report at the first regular meeting held in any month by the board of supervisors of his county, of all money received by him, and the disbursement thereof, so that the receipts into the treasury and the amounts of disbursements may distinctly appear.

County treasurer's report.

CHAPTER 120.

An act to amend section two thousand seven hundred thirteen of the Political Code, relating to construction and repair of bridges to be let out by contract.

[Approved May 5, 1919. In effect July 22, 1919.]

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

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

Construction
and repair
of bridges.

2713. No bridge, the cost of construction or repair of which will exceed the sum of five hundred dollars, must be constructed or repaired except on the order of the board of supervisors. When ordered to be constructed or repaired, the contract therefor may, in their discretion, be let out, and if let, it must be after reasonable notice given by the board of supervisors, by publication at least once a week for two weeks in a county newspaper; and if no paper is published in said county, then by three posted notices, one at the courthouse, one at the point to be bridged, and one at some other neighboring place in the county. All bids shall be sealed; they shall be opened at the time specified in the notice, and the contract awarded to the lowest responsible bidder. The board may, however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the board of supervisors; except, however, in cases of great emergency, by the unanimous consent of the whole board they may proceed at once to replace or repair any and all structures of whatever nature, without notice. Bridges crossing the line between counties must be constructed by the counties into which such bridges reach, and each of the counties into which any such bridge reaches shall pay such portion of the cost of such bridge as shall have been previously agreed upon by the boards of supervisors of said counties; *provided*, that where such bridge or bridges, crossing the line between counties shall reach within the limits of an incorporated town, or city, or city and county, the provisions of this section shall apply.

In counties
with charters.

Whenever any county has adopted a county charter under article eleven, section seven and one-half, of the constitution of the State of California, providing for the appointment of a road commissioner as a county officer, and the organization of a permanent road department for the construction and maintenance of highways and bridges, the board of supervisors of such county shall have charge of construction, maintenance and repair of all highways and employ an engineer as road commissioner to have charge of the construction and the repairing and maintenance of all roads in such county, under the

orders and direction of said board, and may employ such workmen and purchase such materials, equipment, tools and appliances as may be necessary to construct and maintain said roads and to keep them in repair, the cost of such construction, maintenance and repair to be paid out of the county road funds or the general fund of the county, as provided for by the law.

CHAPTER 121.

An act to amend section four thousand fourteen of the Political Code, relating to township officers.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities, or parts of cities, of the second, third, fourth, or fifth class, in which city justices or recorders are elected or appointed, there shall be but one justice of the peace, and in townships having a population of less than seven thousand seven hundred fifty, there shall be but one justice of the peace and one constable; *provided, however,* that in townships containing cities of the first and one-half class there shall be six justices of the peace and one constable. For the purpose of this section, the population of townships in the State of California is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910, or by a subsequent census taken as in section four thousand fifty-five of this code provided; *provided, however,* that appointments to fill any additional offices created by this section shall not be made by the board of supervisors except upon the presentation of a petition therefor to said board, signed by not less than forty per cent of the qualified electors residents of such townships, whose names appear upon the great register of the county at the last general election.

CHAPTER 122.

An act to amend section three of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Stats. 1913,
p. 569.

SECTION 1. Section three of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended, is hereby amended to read as follows:

Consent
of owner.

Sec. 3. Upon every such map or plat there shall be indorsed a consent to the making thereof, signed by the owner or owners of the tract or other subdivision of land shown thereon, and also by all other persons whose consent is necessary to pass a clear title to such land, and acknowledged by all the signers in the same manner as conveyances of real property; also a certificate from the county auditor, and from the auditor or other proper officer of any municipal corporation in which any part of such tract or other subdivision is situated, showing that there are no liens for unpaid state, county, municipal or other taxes, except taxes not yet payable against said tract or subdivision of land or any part thereof; also where a tax lien attaches against any such tract or subdivision or any part thereof a certificate of the clerk of the board of supervisors that a bond has been filed with said board as provided herein; and the owner or owners of any tract, or other subdivision of land shown thereon, shall execute and file with the board of supervisors of the county wherein such tract, or subdivision, or any part thereof, is situated, a good and sufficient bond to be approved by and in amount to be fixed by said board of supervisors and by its terms made to inure to the benefit of the county wherein such tract, subdivision, or any part thereof, is situate, and conditioned for the payment of all taxes which are at the time of filing of said map, a lien against any such tract, or subdivision, or any part thereof, but not yet payable. Except that no tax bond, or certificate in regard to tax bond, by the clerk of the board of supervisors, shall be required on any map which may be recorded on or after the date upon which the taxes for the current year have become payable and before the date upon which the assessment for the next succeeding year is based. Upon every such map or plat which

Certificate
of auditor.

Bond.

shows any parcels of land intended for public use and not previously dedicated therefor, there shall be indorsed a statement of the dedication of such parcels of land intended for public use, executed by the owner or owners, and by all other persons whose consent is necessary to pass a clear title to such parcels of ground to the public, and acknowledged by all persons executing the same in the same manner as conveyances of real property.

Land
intended
for public
use.

CHAPTER 123.

An act to amend sections one thousand three hundred twenty-three, one thousand three hundred forty-five, one thousand three hundred forty-nine, one thousand three hundred eighty and one thousand four hundred ninety of the Code of Civil Procedure, all relating to procedure in probate matters.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand three hundred twenty-three of the Code of Civil Procedure is amended to read as follows:

1323. When a copy of the will, and the order or decree admitting same to probate, duly authenticated, shall be produced by the executor, or by any other person interested in the will, with a petition for letters, the same must be filed, and the clerk of the court must appoint a time for the hearing; notice whereof must be given as hereinbefore provided for an original petition for the probate of a will.

Probate
of foreign
will.

SEC. 2. Section one thousand three hundred forty-five of the Code of Civil Procedure is amended to read as follows:

1345. The superior court must not receive or entertain a petition for the probate of a nuncupative will until the lapse of ten days from the death of the testator, nor must such petition at any time be acted on until the testamentary words are, or their substance is, reduced to writing and filed with the petition, nor until the surviving husband or wife (if any), and all other persons resident in the state interested in the estate are notified as hereinbefore provided.

Probate of
nuncupative
will.

SEC. 3. Section one thousand three hundred forty-nine of the Code of Civil Procedure is amended to read as follows:

1349. If no objection is made as provided in section one thousand three hundred fifty-one, the court admitting a will to probate, after the same is proved and allowed, must issue letters thereon to the persons named therein as executors who are competent to discharge the trust, unless they or either of them have renounced their right to letters.

Issue of
letters.

SEC. 4. Section one thousand three hundred eighty of the Code of Civil Procedure is amended to read as follows:

Request
for
special
notice of
proceedings.

1380. At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate (including the state controller), whether as heir, devisee, legatee or creditor, or the attorney for any such person may serve upon the executor or administrator (or upon the attorney for the executor or administrator) and file with the clerk of the court wherein administration of such estate is pending, a written request, stating that he desires special notice of any or all of the following mentioned matters, steps or proceedings in the administration of said estate, to wit:

(1) Filing of petitions for sales, leases or mortgages of any property of the estate.

(2) Filing of accounts.

(3) Filing of petitions for distribution.

(4) Filing of petitions for partition of any property of the estate.

Such request shall state the post-office address of the person making same, and thereafter a brief notice of the filing of any of such petitions or accounts, except petitions for sale of perishable property or other personal property which will incur expense or loss by keeping, shall be addressed to such person making such request, or his attorney, at his stated post-office address, and deposited in the United States post office with the postage thereon prepaid, within two days after the filing of such petition or account; or personal service of such notices may be made on the person making such request or his attorney, within said two days and such personal service shall be equivalent to such deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of such petition or account. 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.

SEC. 5. Section one thousand four hundred ninety of the Code of Civil Procedure is hereby amended to read as follows:

Notice to
creditors
of
decedents'
estates.

1490. Every executor or administrator must, immediately after his letters are issued, cause to be published in some newspaper of the county, if there be one, if not, then in such newspaper as may be designated by the judge or court, a notice to the creditors of the decedent, requiring all persons having claims against said decedent to file them, with the necessary vouchers, in the office of the clerk of the court from which the letters were issued, or to exhibit them, with the necessary vouchers, to the executor or administrator, at the place of his residence or business to be specified in the notice; *provided*, said residence or place of business shall be in the county in which said proceeding is had. Such notice must be published

not less than once a week for four weeks. In case such executor or administrator resigns, or is removed, before the time expressed in the notice, his successor must give notice only for the unexpired time allowed for such filing or presentation.

CHAPTER 124.

An act to amend section two thousand six hundred forty-three of the Political Code, relating to the powers of boards of supervisors relating to roads.

[Approved May 5, 1919. In effect July 22, 1919.]

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

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

2643. The boards of supervisors of the several counties of the state shall have general supervision over the roads within their respective counties. They must by proper order:

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided. Powers of supervisors over roads. Surveys, etc.

2. Cause to be recorded as highways all highways which have become such by usage, dedication or abandonment to the public, or by any other means provided by law, and to prepare and record proper deeds and titles thereto. Record highways.

3. Abolish or abandon such as are not necessary. Abandon.

4. Acquire the right of way over private property for the use of public highways, and for that purpose require the district attorney to institute proceedings, under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the general road fund or the district road fund of the county. Right of way.

5. Levy a property tax for road purposes. Road tax.

6. Cause to be erected and maintained, at the intersections and crossings of highways, guide posts, properly inscribed. Guide posts.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the county treasurer in separate funds. Apportionment of road tax.

8. Audit all claims on the funds set apart for highway purposes, and specify the fund, or funds, from which the whole or any part of any claim, or claims, must be paid. Audit claims.

9. In their discretion, they may provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered. Gates.

Sprinkling.

10. For the purpose of sprinkling the roads in any part of the county with oil or water, the board of supervisors may erect and maintain waterworks and oil tanks and reservoirs, and for such purposes may purchase or lease real or personal property. The costs of such waterworks, oil tanks and reservoirs and the sprinkling of said roads with oil or water may be charged to the general county fund, the general road fund, or the district fund of the district or districts benefited.

Work costing over \$1,000.

Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the public convenience and necessity demand the acquisition or construction of a new road in excess of three miles in length or the grading, regrading, paving or macadamizing of any existing road, in excess of three miles in length, and that the cost of such new road when acquired and constructed, or the cost of grading, regrading, paving or macadamizing such existing road, will be too great to pay out of any of the road funds of the county, the board of supervisors may, by resolution passed by a four-fifths vote of said board, determine to acquire or construct such new road, or grade, or regrade, pave, or macadamize such existing road, and if the cost of such new road when constructed, or the cost of grading, regrading, paving or macadamizing such existing road, when completed, shall exceed three thousand dollars, such cost may be charged to the general county fund, the general road fund or the district fund of the district or districts benefited.

Surveyor to submit estimates of cost.

11. Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling, or other work upon highways is necessary, and is to be done, and where the estimated cost of such work amounts to more than one thousand dollars, the board of supervisors must, by proper order, direct the county surveyor to make definite surveys of the proposed work, and to prepare profiles and cross-sections thereof, and to submit the same with the estimate of the amount or amounts of work to be done, and cost thereof, and with specifications thereof. Said report shall be prepared in duplicate, one copy to be filed in the surveyor's office, and the other to be filed with the clerk of the board of supervisors. The board upon receipt of such report must advertise for bids for the performance of the work specified. Such advertisement for bids must be published prior to the day fixed for the opening of bids, for at least once a week for a period of two weeks in a newspaper of general circulation printed and published in the county.

Advertising for bids.

Form of advertisement.

Such advertisement shall be in substantially the following form:

“Office of the clerk of the board of supervisors.
----- county, -----, 19-----

Sealed bids will be received by the clerk of the board of supervisors of ----- county, at his office, until ----- o'clock --m., -----, 191--, for -----, on -----, in ----- district, in ----- county.

Specifications for this work are on file in the office of the said board, to which bidders are hereby referred.

Clerk of the board of supervisors of the county of _____.”

Bids must be inclosed in sealed envelope, addressed to the clerk of the board of supervisors, and must be indorsed, "Bids for _____," and must be delivered to said clerk prior to the hour specified in the advertisement. The board shall publicly open and read such bids as may be submitted, and must award the contract for the work to the lowest bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected, and the work ordered done by the road commissioner, or commissioners, in whose district or districts the work may be situated. In case the work shall be let by contract, monthly or quarterly payments may be made thereon upon the receipt of a certified estimate by the county surveyor of the amount of work done during the preceding month or quarter, to the extent of seventy-five per cent of the value of said work, the remaining twenty-five per cent being due on the completion of the work. Upon the completion of the work, the county surveyor must examine the same, and if completed in accordance with the specifications thereof, he must submit to the board of supervisors a certificate over his signature and official seal to the effect that such work by the contractor therefor, has been completed in accordance with the specifications therefor, and recommending its acceptance. The board shall thereupon audit the same and direct its payment out of the proper fund or funds.

Award of bids.

Examination by county surveyor.

Whenever any county has adopted a county charter under article eleven, section seven and one-half of the constitution of the State of California, providing for the appointment of a road commissioner as a county officer, and the organization of a permanent road department for the construction and maintenance of highways and bridges, the board of supervisors of such county shall have charge of construction, maintenance and repair of all highways and employ an engineer as road commissioner to have charge of the construction and the repairing and maintenance of all roads in such county, under the orders and direction of said board, and may employ such workmen and purchase such materials, equipment, tools and appliances as may be necessary to construct and maintain said roads and to keep them in repair, the cost of such construction, maintenance and repair to be paid out of the county road funds or the general fund of the county, as provided for by the law.

In counties with charter.

12. In their discretion, they may set apart on any public road or highway a strip of land for a side path, and make an order designating the width of such path and cause the lines separating the path from the road to be located and marked by stakes or posts, placed at such distances apart as they shall deem proper. After said paths have been set apart,

Side paths.

and the lines separating the same from the road have been located and marked, as aforesaid, the use of the same is hereby restricted to pedestrians and riders of bicycles and other vehicles propelled solely by the power of the rider.

Expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

Use of
highway in
adjoining
county.

13. The boards of supervisors of any county in the state may by and through an ordinance duly passed permit the use of any of its public highways connecting with any main public highway of an adjoining county by the board of supervisors or highway commissioners of such adjoining county, for the purpose of constructing and maintaining thereon a highway or boulevard serving the needs of residents of both counties; and the board of supervisors of any such adjoining county, if it accepts the provisions of the ordinance adopted by the board of supervisors of the county granting the use, shall have the power to construct and maintain any such highway or boulevard, or to construct or maintain such bridge or bridges on such highway or boulevard as it may deem necessary, or to macadamize, pave, curb or gutter such highway or boulevard in such manner as it may determine, and the cost or expense thereof shall be paid out of the general fund of the county treasury, or such other fund as the board of supervisors may designate, or which shall otherwise be provided, of the county to which the use is granted. The board of supervisors of any counties proceeding under the provisions of this act may acquire real property adjacent to such public highway in an adjoining county for county purposes, and may expend thereon such funds as said board of supervisors shall deem necessary for county purposes. The boards of supervisors of any counties proceeding under the provisions of this act may by mutual consent, expressed through ordinances of the respective boards, retransfer the use, control, maintenance and jurisdiction of any highway or boulevard constructed under the provisions hereof to the county originally granting the use.

CHAPTER 125.

An act to amend sections one hundred eighty-two and one hundred eighty-four of the Penal Code, relating to criminal conspiracy.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one hundred eighty-two of the Penal Code is hereby amended to read as follows:

182. If two or more persons conspire:

1. To commit any crime;

Criminal
conspiracy
defined.

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime;

3. Falsely to move or maintain any suit, action or proceeding;

4. To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform such promises;

5. To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws.

They are punishable as follows:

When they conspire to commit any felony, or to commit any act injurious to the public health, or to public morals, or tending to pervert or obstruct justice, or the due administration of the laws, they shall be punishable in the same manner and to the same extent as in this code provided for the punishment of the commission of the said felony or act, respectively. Punishment.

When they conspire to do any of the other acts described in this section they shall be punishable by imprisonment in the county jail or state penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, and cases of such conspiracy may be prosecuted and tried in the superior court of any county in which any overt act tending to effect such conspiracy shall be done.

SEC. 2. Section one hundred eighty-four of the Penal Code is hereby amended to read as follows:

184. No agreement amounts to a conspiracy, unless some act, beside such agreement, be done within this state to effect the object thereof, by one or more of the parties to such agreement and the trial of cases of conspiracy may be had in any county in which any such act be done. Place of trial.

CHAPTER 126.

An act to amend section four thousand three hundred d of the Political Code, relating to constables' and marshals' fees.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

4300d. Constables and marshals, except as in this title otherwise provided: Constables' and marshals' fees.

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when made by him, twenty-five cents.

Constables'
and marshals
fees.
p. 1512.

For levying writ of attachment or execution, or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile, twenty-five cents: *provided*, that in townships which consist in whole or in part of cities of the first and one-half class, the constable or marshal shall receive in lieu of said mileage, his actual traveling expenses going and returning from place of service.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, or jail, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to and from the county jail, the actual cost of such transportation.

CHAPTER 127.

An act to amend section three hundred eighty-four of the Penal Code, regarding prevention of fires.

[Approved May 2, 1919. In effect July 22, 1919.]

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

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

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof be punishable by a fine of not less than fifty nor more than five hundred dollars, or imprisonment in the county jail not less than fifteen days nor more than six months, or both such fine and imprisonment, except that in the case of an offense against subsection five of this section the fine imposed may be not less than ten dollars.

Penalty
for
violating
act.

1. Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land; *provided*, that no person shall be convicted under this section who shall have set in good faith and with reasonable care, a backfire for the purpose of stopping the progress of a fire then actually burning.

Setting
fire
without
permission.

2. Allowing fires to escape from the control of the persons having charge thereof, or to spread to the lands of any person other than the builder of such fire without using every reasonable and proper precaution to prevent such fire from escaping.

Allowing
fires to
escape.

3. Burning brush, stumps, logs, rubbish, fallen timbers, fallows, grass or stable, or blasting with dynamite, powder or other explosives, or setting off fireworks, whether on his own land or that of another, without taking every proper and reasonable precaution both before the lighting of said fire and at all times thereafter to prevent the escape thereof; *provided*, that any firewarden may, at his discretion, give a written permit to any person desiring to burn or blast as aforesaid; such permit shall contain such rules and regulations for the building and management of such fires as the state board of forestry may from time to time prescribe; and in any prosecution under this subsection it shall be prima facie evidence that the defendant has taken proper and reasonable precautions

Burning
brush
without
taking
precaution.

to prevent the escape of such fire, when he shall show that he has received such a permit and has complied with all the rules and regulations therein prescribed.

Using engine without device to prevent sparks.

4. Using any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain or stubble land, unless he shall prove upon the trial, affirmatively, that such engines or boilers used by him were provided with adequate devices to prevent the escape of fire or sparks from smokestacks, ash pans, fire boxes, or other parts, and that he has used every reasonable precaution to prevent the causing of fire thereby.

Fire extinguishers on harvesters or hay press.

4a. Harvesting grain or causing grain to be harvested by means of a combined harvester, header, or stationary threshing machine, or baling hay by means of a hay press, unless he shall keep at all times in convenient places upon each said combined harvester, header, or stationary threshing machine, or hay press, fully equipped and ready for immediate use, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of the capacity of not less than two and one-half gallons.

Spark-arresting device on tractors, etc.

4b. Operating or causing to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine or auto truck in harvesting or moving grain or hay, or moving said tractor, engine, machine or auto truck in or near any grain or grass lands, unless he shall maintain attached to the exhaust on said gas tractor, oil-burning engine or gas-propelled harvesting machine an effective spark-arresting and burning carbon-arresting device.

Refusing to aid in fighting fires.

5. Refusing or failing to render assistance in combating fires at the summons of any firewarden unless prevented by good and sufficient reasons.

Leaving fire burning not applicable to cities.

6. Leaving a camp fire burning or unextinguished without some person in attendance, or allowing such fire to spread after being built.

7. The provisions of this section shall not apply to the setting of fire on lands within any municipal corporation of the state.

CHAPTER 128.

An act to amend section three thousand seven hundred thirty-nine of the Political Code, relating to redemption of property from tax sales.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

3739. Currently as property is redeemed from tax sales the auditor shall notify the tax collector of such redemptions. Notice of redemption of property
 The tax collector must use such information in the enforcements of sections three thousand seven hundred seventy-one, three thousand eight hundred thirteen, and three thousand eight hundred fourteen.

CHAPTER 129.

An act to amend the title and to amend an act entitled "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, 1909.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. The title of an act entitled "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, 1909, is hereby amended to read as follows: "An act to authorize and empower the state board of prison directors to insure jute, jute goods, and other prison made goods and materials for the manufacture of the same, against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute and from the manufacturing revolving fund."
Stats 1909, p. 281.

SEC. 2. Said act approved March 10, 1909, is hereby amended to read 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. The state board of prison directors is hereby authorized to insure from time to time against fire or marine loss, all furniture, shoes, clothing or other articles manufactured at San Quentin Prison and the materials from which the same are made, in such amounts as it may deem proper. The cost of such insurance shall be paid from the manufacturing revolving fund. Insurance of other prison made goods.

CHAPTER 130.

An act to amend section one thousand one hundred ninety-two a of the Penal Code, relating to the duty of courts to ascertain and make statements of facts relative to persons convicted of offenses.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Inquiry
as to
cause of
criminal
conduct.

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, together with such reports as the probation officer may have made relative to the prisoner. Within twenty days after the filing of such statement and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with 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.

Notice to
clerk of
prison.

CHAPTER 131.

An act to amend section one of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the

selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended, is hereby amended to read as follows: Stats. 1915, p. 1512.

Section 1. Whenever any tract or subdivision of land shall be laid out into lots for the purpose of selling the same by reference to a map or plat, the owner or owners thereof shall cause to be made out and filed with the county recorder of the county in which the same is situated, an accurate map or plat thereof on cloth, drawn and attested to by a civil engineer or licensed surveyor from his own survey of the ground. Said engineer or surveyor shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of these monuments shall be plainly shown on the map; *provided, however,* that on all maps of tracts filed for the purpose of showing as acreage, land previously subdivided into numbered or lettered lots or parcels, no survey or certificate by surveyor or engineer shall be required. The map shall also particularly set forth and describe: Map of subdivision must be recorded.

First—All parcels of ground within such tract or subdivision used for public purposes or offered for dedication for public uses, whether they be intended for public highways, parks, courts, commons or other public uses and their dimensions and boundaries and the courses of their boundary lines. Matters set forth.

Second—All lots intended for sale, or reserved for private purposes and not offered for dedication to the public use, either by number or letter, and their dimensions and boundaries and the courses of their boundary lines. All parcels of land offered for dedication as public highways and not accepted by the proper authorities upon presentation to them, shall also be designated by number or letter.

Third—The exact location of such tract or subdivision of land into lots with reference to adjacent subdivisions of land into lots, the maps or plats of which have been previously recorded, if any, or if none, then with reference to corners of a United States survey, or to some natural or artificial monument.

CHAPTER 132.

An act to amend section one thousand six hundred fifty of the Political Code, relating to the duties of the clerk of school districts.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Duties of
clerk of
school
districts.

1650. It is the duty of the clerk:

First—To call meetings of the board at the request of two members, and to act as clerk of the board, and keep a record of its proceedings, and an accurate account of the receipts and expenditures of school moneys, and in all districts excepting such city districts as may have a city board of education on the first Monday in the months of October, January, March, and June of each school year he shall post up in a conspicuous place in each school house of his school district a complete copy of his account of said receipts and expenditures of the school moneys of his school district from the first day of the current school year to the date of his posting of said account.

Second—To keep his records and accounts, open to the inspection of the electors of the district, in suitable books provided by the board of school trustees for that purpose.

Third—To place in the library of the school all pamphlets, books or supplies received by purchase or otherwise for the school district.

Fourth—To perform such other duties as may be prescribed by the board.

Dismissal
of clerk.

Fifth—Should the clerk of the district refuse to keep the minutes or draw warrants or perform such other duties as are ordered by the board, the board at a regular meeting may dismiss the clerk, appoint another member clerk, and immediately notify the superintendent of schools of the county.

CHAPTER 133.

An act providing for the control and the destruction of predatory animals, vesting in the state commissioner of horticulture the administration of the provisions hereof, and defining his powers and duties in relation thereto.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Control of
predatory
animals.

SECTION 1. The state commissioner of horticulture is hereby directed to investigate reports of the depredations occasioned by predatory animals, to assist in instituting control

measures in localities where depredations are known to be serious and co-operate with county board of supervisors. He may co-operate with the bureau of biological survey of the United States department of agriculture, and may enter into contracts with said bureau, determining the method of such co-operation, establishing uniform control methods, and governing the supervision of all persons employed in such work.

SEC. 2. The state commissioner of horticulture is hereby authorized to accept on behalf of the state donations of money from individuals, associations, corporations, county boards of supervisors, and other agencies interested in the control of coyotes and other harmful predatory animals, all such moneys to be paid into the state treasury and credited to the predatory animal fund which is hereby created to be expended only in the control of coyotes and other harmful predatory animals in accordance with the terms and conditions fixed by the state commissioner of horticulture acting by and through the rodent control division of his office. Moneys thus made available by any county board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the supervisors of that county.

Predatory
animal
fund.

SEC. 3. The state commissioner of horticulture is hereby directed to investigate and make a study of control measures and of existing laws of this and other states providing for the control and destruction of predatory animals, and to prepare a report, accompanied by a draft of such legislative measures as he may recommend to the legislature for adoption. Such report shall be printed by the superintendent of state printing, and shall be submitted to the governor on or before the first day of November in the year 1920, and shall be presented by him to the legislature at the opening of the forty-fourth session.

Study and
report on
control
measures.

CHAPTER 134.

An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered nine hundred eighty-two, relating to the transmission of papers upon dismissal of appeal.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

982. Upon dismissal of the appeal the clerk of the superior court shall return all the papers to the court from which the appeal was taken, and the justice of said court shall have jurisdiction the same as if no appeal had been taken.

Papers
returned on
dismissal
of appeal.

CHAPTER 135.

An act to add a new section to the Political Code, to be numbered three thousand sixty-two, authorizing the appointment of public health nurses in cities and towns and providing for the determination of their duties, qualifications and compensation.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered three thousand sixty-two, and to read as follows:

Appoint-
ment of
public
health
nurses
in cities.

3062. The board of trustees, council or other corresponding board of any incorporated town or city of this state may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may, at the date of her employment, be prescribed by the state board of health. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the town or city wherein she is employed, as the board of trustees, council or other corresponding board may, from time to time, assign to her, and shall receive such compensation as may be determined by said board.

CHAPTER 136.

An act to add a new section to the Political Code, to be numbered four thousand two hundred twenty-five a authorizing the appointment of public health nurses by boards of supervisors and providing for the determination of their duties, qualifications and compensation.

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

Appoint-
ment of
public
health
nurses in
counties.

4225a. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the state board of health. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county, as the board of supervisors may, from time to time, assign to her and shall receive such compensation as may be determined by said board.

CHAPTER 137.

An act to amend section three thousand six hundred sixty-nine c of the Political Code, relating to taxation of corporations for state purposes.

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

3669c. 1. Within ten days after the first Monday in February, the controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties, and costs, and that if the said taxes, penalties, and costs are not paid on or before the Saturday preceding the first Monday in March next thereafter at six o'clock p.m. of said day, the corporate powers, rights and privileges of such delinquent company, if it be a domestic corporation, will be at that time suspended and thereafter incapable of exercise, and that if the delinquent company be a foreign corporation it will thereupon forfeit its right to do intrastate business in this state. If the taxes, penalties, and costs are not paid within the time specified in said notice, the controller shall, on said Saturday preceding the first Monday in March at six o'clock p.m. of said day, mark on the record of assessments for state taxes opposite the assessment of the delinquent corporation the words "corporate powers suspended," if the delinquent corporation be a domestic corporation, and thereupon said corporate powers shall be suspended and incapable of exercise until restored as hereinafter provided; and if the delinquent corporation be a foreign corporation, the controller shall mark on the record of assessments for state taxes opposite the assessment of such delinquent corporation the words "right to do intrastate business forfeited" and thereupon said right to do such business shall be so forfeited. He shall at once report to the secretary of state the name and number of charter of each corporation whose corporate powers have been suspended or right to do business has been forfeited for nonpayment of taxes.

On or before the first Monday in April of each year the controller shall make a list of all corporations subject to the tax imposed under sections three thousand six hundred sixty-four a, three thousand six hundred sixty-four b, three thousand six hundred sixty-four c, and three thousand six hundred sixty-four d of this code and which have failed to pay the same and transmit a certified copy thereof to each county clerk and county recorder in this state. Said county clerks and county recorders shall file such certified copies in their

Suspension
of corporate
powers on
failure to
pay taxes.

List sent
to county
clerk and
county
recorder

respective offices in such manner that the same shall be preserved in the form of a permanent record of such office and easily identified by and available to the public. Said copies so certified by the controller and filed as herein provided shall in the case of each corporation state whether such corporation is a domestic or foreign corporation and specify the penalty which each corporation has incurred for failure to pay the tax imposed by this act. Such certified copies so filed with either of said county officers, or any copy thereof certified by the controller shall be received in evidence in any court in lieu of the original record on file with the controller and shall be prima facie evidence of the truth of all statements contained therein.

Corporate powers suspended, when.

2. After six o'clock p.m. of the Saturday preceding the first Monday in March in any year, the corporate rights, privileges and powers of every domestic corporation which has failed to pay said tax and money penalty shall, from and after said hour of said day, be suspended, and incapable of being exercised for any purpose or in any manner, except to defend any action brought in any court against such corporation, until said tax with all accrued penalties, and all taxes and charges due the state under the corporation license act are paid as hereinafter provided. The right and privilege of every foreign corporation to transact intrastate business in this state shall, for failure to pay said tax and money penalty, be forfeited at said hour of said day, and the controller shall make a record of such forfeiture. In the case of foreign corporations such forfeiture may be relieved and the corporation's privilege to transact intrastate business in this state restored in the manner hereinafter provided. After said hour of said day and until such taxes, penalties and charges are paid, every person who attempts or purports to exercise any of the rights, privileges or powers of any delinquent corporation, or, who transacts or attempts to transact any intrastate business in this state in behalf of any forfeited foreign corporation, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in any county in which any part of such attempted exercise of such powers, or any part of such transaction of business was had or occurred. Every contract made in violation of this section is hereby declared to be void.

Penalty for exercising powers after suspension.

Procedure for restoration of powers.

3. All corporate powers, rights and privileges suspended, or forfeited may be revived and restored to full force and effect by the payment of all accrued taxes and penalties due to the state under sections three thousand six hundred sixty-four a, three thousand six hundred sixty-four b, three thousand six hundred sixty-four c, and three thousand six hundred

sixty-four *d* of this code and also, in addition thereto, a sum of money equal to the tax last assessed under the provisions of said sections of this code, for each year succeeding the year in which such tax was levied, and to the time of such revivor. "Year" within the meaning of the preceding sentence is hereby defined as the period between the first Monday in March of any calendar year and the first Monday in March of the following calendar year. In addition to the payment of the amounts above provided for, such reviving corporation shall pay to the secretary of state that proportion of the license tax specified in section three of any act known as the "corporation license act," as now in force or as hereafter amended, which the unexpired number of months of the calendar year in which such revivor or reinstatement occurs (including the month in which such revivor or reinstatement occurs), bears to the entire year. Upon payment of all such taxes and penalties the state controller shall issue a certificate under his seal evidencing such payment and restoration, which certificate, when recorded in the office of any county recorder shall constitute a release of all existing liens for such taxes upon the property of such corporation. Each county recorder shall keep an index of all such controller's certificates recorded by him. Upon presentation of such controller's certificate of revivor to any county clerk said officer shall make a record thereof in his office in a book kept for such purpose. The record so made by said county clerk shall be prima facie evidence of the restoration to such corporation of all previously suspended or forfeited rights, powers and privileges unless it appears from the records in the office of such county clerk or of the secretary of state that subsequent to the date of such certificate of revivor the powers of said corporation have been suspended or its right to do intrastate business forfeited.

Controller's
certificate.

4. The controller may, on or before the thirtieth day of April next following said delinquency and suspension or forfeiture, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this code and appearing delinquent upon the record of assessments for state taxes hereinbefore mentioned.

Action by
controller
to collect
delinquent
taxes.

The attorney general must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required.

Duty of
attorney
general.

In the case of companies whose right to do business has been forfeited or corporate powers suspended, service of summons may be made upon the persons provided for by law to

Service of
summons.

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

Evidence of
unpaid
taxes.

CHAPTER 138.

An act to amend section three thousand eight hundred twenty-seven of the Political Code, relating to the duties of the county assessor in relation to the entry of collections of taxes on personal property.

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

Entry of tax
collections.

3827. The assessor must note in the assessment book opposite the name of each person from whom taxes have been collected, the amount thereof.

CHAPTER 139.

An act to add a new section to the Political Code to be numbered four thousand one hundred twenty-three, relative to the refund by the county treasurer of fees or other moneys, except taxes, erroneously paid into the county treasury.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered four thousand one hundred twenty-three, and to read as follows:

4123. The treasurer shall return to the party paying the same, or to his assigns, all fees or other moneys, erroneously paid into the county treasury, the provisions of section three thousand eight hundred four of this code, so far as they apply to the method by which a return of money shall be made, are hereby made applicable to this section.

Refund of fees erroneously paid to county.

CHAPTER 140.

An act to amend section ninety-nine of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, designated the "bank act," as amended May 6, 1913, all relating to the definition and the regulation of the business of banking.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section ninety-nine of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

Stats. 1915, p. 1132.

Sec. 99. When any part of the securities so deposited with the state treasurer consists of notes or bonds secured by mortgage or deed of trust, it shall be accompanied by a "Registrar of Titles" certificate as to the condition of the title if the notes or bonds are secured by mortgages covering property which has been brought under the operation of the Land Title Law, commonly called the Torrens Title Law, or a policy of mortgage insurance, or a complete abstract of title or an unlimited certificate of title or a policy of title insurance prepared or issued by a person, company or corporation designated or approved by the superintendent of banks and authorized by law or otherwise found by the superintendent of banks to be competent to issue such evidence of title, which shall be examined and approved by or under the direction of said

Evidence of title to accompany securities.

Fees.

superintendent of banks. The fees for an examination of such evidence of title by council to be paid by the trust company making the deposit shall not exceed twenty dollars for each title examined, and the fee for each appraiser not exceeding two, shall not exceed five dollars for each mortgage or deed of trust.

CHAPTER 141.

An act to amend section one thousand four hundred ninety-eight of the Code of Civil Procedure, relating to notice of rejection of claims against estates, and limiting the time within which action may be brought thereon.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand four hundred ninety-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

Rejection
of claim
against
estates.

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 filing or 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. If the residence of the claimant is not known, and the same shall be made to appear to the satisfaction of the court, the court shall by its order require the notice to be served on the claimant by filing with the clerk.

CHAPTER 142.

An act to amend section three thousand eight hundred seventy-six of the Political Code, relating to allowance expenses to county treasurers in settlements with the state.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three thousand eight hundred seventy-six of the Political Code is hereby amended to read as follows:
3876. The county treasurer in the settlement shall receive from the state his actual expenses necessarily incurred in mak-

Expenses of
county
treasurers
in making
settlements
with state.

ing the trip from the county seat to Sacramento and return to the county seat. The controller is hereby authorized to draw his warrant in favor of the respective county treasurers on consummation of the settlement with the state and the treasurer of state is directed to pay the same.

CHAPTER 143.

An act to amend an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, by adding a new section to be numbered eight a, relating to the redemption of property heretofore sold to any city or municipal corporation except municipal corporations of the first class.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, to be numbered eight a, and to read as follows:

Stats. 1895,
p. 219.

Sec. 8a. Whenever any municipal corporation elects or has heretofore elected to avail itself of the provisions of this act relating to the assessing and collecting by the county of taxes for such municipal corporation, redemption of property which after such election has been made has been sold to such municipal corporation on account of non-payment of taxes shall be effected through the office of the county auditor.

Redemption
of property
through
county
auditor.

CHAPTER 144.

An act to provide a relief fund in the several counties or any city and county of the state for the needy blind, providing for and prescribing the powers and duties of boards of supervisors in every county or city and county.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Tax for relief of needy blind.

SECTION 1. The boards of supervisors of the several counties and cities and counties in this state are hereby authorized and permitted to levy, in addition to the taxes now levied by law for other purposes than those herein provided, a tax not exceeding two-tenths of one mill per dollar on the assessed value of the property of their respective counties and cities and counties to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of the needy blind of their respective counties and cities and counties.

Needy blind person defined.

SEC. 2. A needy blind person shall be construed to mean any person who, by reason of loss of eyesight, is unable to provide himself with the necessities of life, and who has not sufficient means of his own to enable him to maintain himself.

Residence qualification.

SEC. 3. A needy blind person, in order to receive relief under this act, must be a resident of this state at the time this act takes effect, or become blind while a resident of this state, and shall be a resident of the county for one year next preceding the date of the application provided for herein.

Claims for relief.

SEC. 4. All persons claiming relief under this act shall file, at least ten days prior to action on said claims, with the board of supervisors a duly verified statement of the facts bringing him within the provisions of this act. The list of claims shall be filed in the order of filing in a book furnished for that purpose by the board of supervisors, and which record shall be open to the public. No certificate of qualification for drawing money under this act shall ever be granted until the board of supervisors shall be satisfied, from the evidence of at least two reputable residents of said county and city and county, one of whom shall be a duly and regularly licensed and practicing physician, that they know the applicant to be blind, and that he has the residential qualifications to entitle him to the relief asked for, which evidence shall be in writing, subscribed to by such witnesses, subject to the right of cross-examination by the board of supervisors or other persons. If the board of supervisors is satisfied upon such testimony that the applicant is entitled to relief hereunder, they shall issue an order therefor, in such sum as they find needed, not to exceed one hundred fifty dollars per annum, to be paid quarterly out of the fund herein provided for on the warrant of the county auditor, or auditor of the city and county,

Amount.

and such relief shall be in lieu of any other relief of a public nature.

SEC. 5. The board of supervisors shall annually examine as to the qualifications of any one on the blind list and increase or decrease the allowance within the statutory limits, or if said board is not satisfied that the person so on the list is qualified to draw any money said board shall entirely remove him from the list and shall forthwith notify the auditor of such action.

Annual
examina-
tion of
blind list.

SEC. 6. The board of supervisors of every county and city and county shall meet within thirty days after this act takes effect and thereafter annually on such days as the board shall select and at such times as may be necessary and examine carefully the list of applications filed hereunder.

Examina-
tion of
applicants.

SEC. 7. The board of supervisors of every county or city and county are hereby authorized and directed to transfer from any money in the poor fund of any county to the blind fund, herein provided, for the year 1919, sufficient money to carry out the purposes of this act.

Transfer of
money
from poor
fund.

SEC. 8. Any person who shall make a false statement in order to secure for himself or another, the benefit herein provided, shall be guilty of perjury.

False
statement.

SEC. 9. It is hereby declared to be the duty of the board of supervisors in each county and city and county to adopt such rules, regulations and ordinances necessary to carry into effect the purposes, aims and objects of this act. It shall be competent for the board of supervisors mentioned herein to appoint such person or persons to act for such board in carrying out the object or objects and purposes of this act.

Rules and
regulations.

CHAPTER 145.

An act to add to the Code of Civil Procedure a new section, to be numbered one thousand two hundred seventy-four, authorizing the state board of control to sell property distributed to the state under section one thousand two hundred sixty-nine of that code.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

1274. The state board of control is hereby authorized to sell, on behalf of and in the name of the State of California, at any time and in any manner it may deem advisable, personal property heretofore or hereafter distributed to the State of California pursuant to the provisions of section one thousand two hundred sixty-nine of the Code of Civil Procedure,

Sale of
escheated
property
by board
of control

Sale of
executed
property
by board
of control.

and the proceeds of such a sale shall be delivered to and held by the state treasurer. Any real property so distributed to the state may be sold by the board of control, at public auction, to the highest bidder, for cash, after notice thereof by publication, as hereinafter provided, in a newspaper published in the county in which such real property is situate, or, in an adjoining county if there be no newspaper published in such county. Such notice shall be published once a week for at least three weeks immediately preceding the date of such sale, and shall be sufficient for all the purposes of such sale if said real property be described therein in general terms. The board of control may, in its discretion, reject any and all bids.

CHAPTER 146.

An act to amend section one thousand one hundred eighty-seven of the Code of Civil Procedure, relating to mechanics' liens.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand one hundred eighty-seven of the Code of Civil Procedure is hereby amended to read as follows:

Claim of
lien filed
in recorder's
office.

1187. Every original contractor, claiming the benefit of this chapter, within sixty days after the completion of his contract, and every person save the original contractor claiming the benefit of this chapter, at any time after he has ceased to perform labor or furnish material, or both, for any work of improvement mentioned in this chapter, and until thirty days after the completion of such work of improvement, may file for record with the county recorder of the county or city and county in which such property or some part thereof is situated a claim of lien containing a statement of his demand after deducting all just credits and offsets, the name of the owner or reputed owner, if known, a general statement of the kind of work done or materials furnished by him, or both, the name of the person by whom he was employed or to whom he furnished the materials, and a description of the property sought to be charged with the lien sufficient for identification; which claim of lien must be verified by oath of claimant or some other person. Any trivial imperfection in the said work, or in the completion of any contract by any lien claimant, or in the construction of any building, improvement or structure, or of the alteration, addition to, or repair thereof, shall not be deemed such a lack of completion as to prevent the filing of any lien; and in all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter;

the occupation or use of a building, improvement or structure, by the owner, or his representative, accompanied by cessation from labor thereon; or the acceptance by the owner, or said agent, of said building, improvement or structure; or cessation from labor for thirty days upon any contract or upon any building, improvement or structure, or the alteration, addition to, or repair thereof; the filing of the notice hereinafter provided for.

The owner shall within ten days after the completion of any contract or improvement provided for in this chapter, or within ten days after there has been a cessation from labor thereon for a period of thirty days, file for record in the office of the county recorder of the county where the property is situated, a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name and the nature of his title, and a description of the property sufficient for identification, which notice shall be verified by himself or some other person on his behalf. The fee for recording the same shall be one dollar. In case such notice be not so filed, then all persons claiming the benefit of this chapter shall have ninety days after the completion of said improvement within which to file their claims of lien.

Owner may file record of completion with recorder.

CHAPTER 147.

An act to amend the vehicle act approved May 10, 1915, as amended by an act entitled "An act to amend the vehicle act, approved May 10, 1915, by repealing sections ten, eighteen, twenty-three, thirty-three and forty-two thereof, and by amending sections one, three, four, five, six, seven, eight, nine, eleven, thirteen, fifteen, seventeen, twenty, twenty-two, twenty-four, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-four, thirty-five, and thirty-seven thereof, said amendments to provide for the regulation of the use and occupation of the public highways by vehicles and otherwise, for the registration and identification of motor and other vehicles, and for the payment of registration fees therefor; to prohibit the operation of any motor vehicle without the consent of the owner thereof; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matter embraced within the provisions of this act; to provide for the organization and conduct of the motor vehicle department created by this act, and to provide for the disposition of registration and license fees, fines and forfeitures collected under the provisions of said act; to provide for carrying out the objects of said act and of said amendments thereto, and to make appropriation therefor; to provide for the printing and distribution of said act as amended, and to provide for the time that said amendments shall go into effect,"

approved May 10, 1917, by amending sections one, three, four, five, six, seven, eight, nine, eleven, thirteen, fifteen, seventeen, twenty, twenty-two, twenty-four, twenty-eight, thirty-two, thirty-four, thirty-six, and thirty-seven thereof, said amendments to provide for the regulation of the use and occupation of the public highways by vehicles and otherwise and for the regulation of traffic and travel over such highways for the registration and identification of motor and other vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles, and for the payment of license fees therefor; to prohibit the operation or use of any vehicle by any person under the influence of intoxicating liquor and the use of any motor vehicle without the consent of the owner thereof; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to any of the matters embraced within the provisions of this act; to provide for the organization and conduct of the motor vehicle department created by this act and the salaries of the officers and employees thereof; to provide for the disposition of registration and license fees, fines and forfeitures collected under the provisions of said act; to provide for the carrying out of the object of said act as amended as aforesaid and of these amendments thereto, and to make appropriation therefor; to provide for the printing and distribution of said act as amended as aforesaid and as hereby amended, and to provide for the time that said amendments shall go into effect, and repealing all acts or parts of acts in conflict herewith.

[Approved May 2, 1919. In effect—see Section 20.]

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

Stats. 1917,
p. 382.

SECTION 1. Section one of the vehicle act approved May 10, 1915, as amended by an act entitled "An act to amend the vehicle act, approved May 10, 1915, by repealing sections ten, eighteen, twenty-three, thirty-three and forty-two thereof, and by amending sections one, three, four, five, six, seven, eight, nine, eleven, thirteen, fifteen, seventeen, twenty, twenty-two, twenty-four, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-four, thirty-five and thirty-seven thereof, said amendments to provide for the regulation of the use and occupation of the public highways by vehicles and otherwise, for the registration and identification of motor and other vehicles, and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles, and for the payment of license fees therefor; to prohibit the operation of any motor vehicle without the consent of the owner thereof; to limit the power of local authorities to enact or enforce ordinances, rules, or regulations in regard to matters embraced within the provisions of this act; to provide for the organiza-

tion and conduct of the motor vehicle department created by this act, and to provide for the disposition of registration and license fees, fines and forfeitures collected under the provisions of said act; to provide for carrying out the objects of said act and of said amendments thereto, and to make appropriation therefor; to provide for the printing and distribution of said act as amended, and to provide for the time that said amendments shall go into effect," approved May 10, 1917, is hereby amended to read 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: Words and phrases defined.

(1) "motor vehicle" shall include all vehicles propelled otherwise than by muscular power, except trailers and such vehicles as run upon stationary rails or tracks; (2) "automobile" shall include all motor vehicles excepting motorcycles; (3) "motor-cycle" shall include all motor vehicles designed to travel on not more than three wheels in contact with the ground, and of not exceeding ten horsepower, and of not exceeding the weight of five hundred pounds unladen; *provided, however*, that any motor vehicle which shall be operated on the public highway drawing a trailer shall be deemed to be an automobile for all the purposes of this act; *and provided, further*, that for the purposes of this act a trailer shall be deemed to be any vehicle which is at any time drawn upon the public highway by a motor vehicle, excepting any implements of husbandry temporarily drawn, propelled or moved upon such highway; (4) "highway" shall include any public highway, county road, state highway or state road, public street, avenue, alley, park, parkway, driveway, square or place, bridge, viaduct, trestle, or any other territory or structure, whether public or private, designed, intended or used by or for the general public for the passage of vehicles, in any county, or incorporated city and county, city or town within the State of California, including driveways, upon the grounds of universities, colleges, schools, and other institutions, whether public or private; (5) "business district" shall mean the territory of any county or incorporated city and county, city or town, contiguous to a public highway, which is on the line of said highway mainly built up with structures devoted to business; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at the boundary lines of such business district, signs which shall be placed on the right side of such highway looking toward such district, and which shall be triangular in shape, apex upward, the sides thereof being of equal length and not less than twenty-four inches in length, which shall bear in white letters of a size to be easily readable by a person using the highway the words and figures: "15 miles speed limit". Such letters shall be on a background colored dark green and the back of such sign shall also be colored dark green; (6) "closely built up" shall mean the territory of any county or incorporated city and county, city or town,

Words and
phrases
defined.

contiguous to a public highway, which is on the line of said highway not mainly devoted to business, where for not less than a quarter of a mile the dwelling houses and business structures on such highway average less than one hundred feet apart; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at the boundary lines of such district, signs of sufficient size to be easily readable by a person using the highway, bearing the words and figures "20 miles speed limit" which words shall be printed in white letters on a red background; such signs shall also be colored red on the back thereof and shall be of the same size and shape as those specified in subdivision five of this section and shall be similarly placed on the highway; (7) "local authorities" shall include all boards of supervisors, trustees or councils, commissions, committees, and other public officials of counties, incorporated cities and counties, cities or towns, or municipal or quasi-municipal corporations when such officials possess or exercise legislative or police powers; (8) "chauffeur" shall mean any person who operates an automobile in the transportation of persons or property and who receives any compensation for such service in wages, commission or otherwise, paid directly or indirectly, or who as owner or employee operates an automobile carrying passengers or property for hire; *provided, however*, that this definition shall not include manufacturers' agents, proprietors of garages and dealers, salesmen, mechanics, or demonstrators of automobiles in the ordinary course of their business; (9) the term "state" as used in this act, except where otherwise expressly provided, shall also include the territories, federal districts and insular possessions of the United States; (10) "non-residents" shall mean residents of states or countries other than the State of California whose sojourn in this state, or whose occupation of their regular place of abode or business in this state, if any, covers a total period of less than three months in the calendar year; (11) "owner" shall include any person, firm, association, or corporation, having the lawful use or control, or the right to the use or control, of a vehicle, under a lease or otherwise, for a period of ten or more successive days; (11a) the legal owner is hereby defined as the owner of the legal title; (12) "manufacturer" or "dealer" shall signify a person, firm, association, or corporation regularly in the business of having in his, its or their possession vehicles for sale or trade and for use and operation pursuant thereto, and shall be considered owners of vehicles manufactured or dealt in by them for the purposes of this act, prior to sale and delivery thereof, and of all vehicles in their possession and operated or driven by them or by their employees; *provided, however*, that anything to the contrary herein notwithstanding, the determination of the motor vehicle department shall be final and conclusive upon the question whether or not an applicant for registration shall be a manufacturer or dealer within the meaning and intent of this act;

(13) "garage" shall mean every place of business where motor vehicles are received for housing, storage or repair, for compensation; (14) "intersecting highway" shall mean any highway which joins another at an angle, whether or not it crosses the other; (15) "operator" shall mean any person other than a chauffeur who operates a motor vehicle and any person who operates, rides, drives or propels any vehicle other than a motor vehicle; (16) "person" shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals; and where the term "person" is used in connection with the registration of a vehicle, it shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals which owns or controls such vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesman, or otherwise; (17) "department" as used in this act shall mean the motor vehicle department of California, acting directly or through its duly authorized agent; (18) "vehicle" shall include every wagon, hack, coach, carriage, omnibus, bicycle, tricycle, automobile, cyclecar, motorcycle, truck, trailer, traction engine, tractor, or other conveyance or contrivance for moving persons, animals or things, in whatever manner and by whatever force or power the same may be ridden, driven, propelled, drawn or moved, which is ridden, driven, propelled, drawn or moved on the public highway, including implements of husbandry temporarily drawn, propelled or moved on the public highway, and excepting only conveyances drawn or propelled by pedestrians, and railroad, street or interurban cars, engines and motors moving upon stationary rails or tracks; (19) the city and county of San Francisco shall be considered a county; (20) "net receipts" shall signify the balance remaining of the money paid to the department in conformity with the provisions of this act after the payment of all salaries, expenses and refunds incident to the administration and enforcement of this act; (21) "specially constructed" motor vehicle shall mean a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of motor vehicles; *provided*, that in case of dispute the determination of said department as to the character of construction of any such motor vehicle shall be conclusive; (22) "reconstructed motor vehicle" shall mean a motor vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles of various names, models or types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles; *provided*, that for the purpose of this act the term "essential parts" shall include not only integral parts but also body parts, such as fenders, hood, cowl, and other parts the removal, alteration or substitution of which will tend to conceal

Words and
phrases
defined.

the identity or substantially alter the appearance of the motor vehicle; and *provided, further*, that in case of dispute the determination of said department as to the character of such assembly, reconstruction or alteration shall be conclusive; (23) "imported motor vehicle" shall mean any motor vehicle which shall be brought into this state from another country or state otherwise than in the ordinary course of business by or through a manufacturer or dealer, and which has not been registered in this state, except such motor vehicles, owned by nonresidents, as are provided for by section twenty-seven of this act; (24) "highway commission" shall mean the appointed members of the advisory board of the department of engineering of the State of California.

Stats. 1917,
p. 385.

Application
for
registration.

SEC. 2. Section three of said act, approved May 10, 1915, as amended as aforesaid is hereby amended to read as follows:

SEC. 3. Every owner of a motor vehicle which shall be operated or driven upon the public highways shall, for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed, by mail, or otherwise, with the department an application for registration on a blank to be furnished by said department for that purpose, containing, in addition to such other particulars as may be required by said department, a statement of the name and post-office address of the applicant and the name and post-office address of the legal owner, a description of such motor vehicle, including the name of the maker, the number, if any, affixed to the motor or engine by the maker, the character of the motive power, and the diameter of the cylinder bore and the number of cylinders; and with such application the applicant shall deposit the proper registration fee as provided in section seven of this act; *provided*, that for all the purposes of this act the horsepower of any motor vehicle, except electric or steam-driven vehicles, shall be determined by the formula commonly known as that of the association of licensed automobile manufacturers (A. L. A. M.), being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; *provided, further*, that for the purpose of this act the horsepower of any steam-driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof; *provided, further*, that in case the motor vehicle sought to be registered shall be a specially constructed or a reconstructed motor vehicle, that fact must be stated by the applicant in his application for registration and he shall furnish the department on demand such additional information relating to said motor vehicle as shall be satisfactory to the department before it may register such vehicle; and *provided, further*, that in case the motor vehicle sought to be registered shall be an imported motor vehicle, within the meaning of this act, that fact must be stated by the applicant in his application for registration, and he shall furnish the department on demand such additional information relating to said motor vehicle as shall be satisfactory to the department before it may register

Horsepower
formul.

Steam-
driven
motor
vehicle.

Specially
constructed
motor
vehicle.

Imported
motor
vehicle.

such vehicle, and in case such vehicle shall have been theretofore registered in any other state or country, the applicant shall with his original application for registration supply the department with full information relating to such former registration and shall surrender to the department any number plates, seals, certificates of registration or other evidences of such former registration as may be in the applicant's possession or control. Every owner of a trailer or trailers which shall be drawn upon a public highway when any such trailer shall exceed one ton in weight shall cause to be filed by mail or otherwise, with the department, an application for registration on a blank to be furnished by said department for that purpose, containing in addition to such other particulars as may be required by said department, a statement of the name and post-office address of the applicant, and with such application the applicant shall deposit the proper registration fee, as provided in section seven of this act. Trailers.

Whenever the owner of any motor vehicle shall after making application for registration of any motor vehicle move from the address named in such application or change his post-office address he shall within ten days after such moving or change of address notify the department in writing of such change and of his new post-office address. Failure to so notify the department shall constitute a misdemeanor. Notice of change of address.

SEC. 3. Section four of said act approved May 10, 1915, as amended as aforesaid is hereby amended to read as follows: Stats. 1917, p. 380.

Sec. 4. Upon the receipt by the department of an application for registration of a motor vehicle or trailer or trailers accompanied by the fee required by section seven of this act, the department shall file such application and if satisfied that the applicant is entitled to registration of said vehicle or vehicles as the owner thereof, within the meaning of this act, and if all fees theretofore payable to the department in connection with the registration, or any renewal thereof, of said vehicle or vehicles shall have been duly paid, shall alphabetically, and also numerically, register such motor vehicle or trailer or trailers with the name and post office of the owner, and of the legal owner together with the facts stated in such application, in a book or on index cards to be kept for the purpose, under a distinctive number assigned to such motor vehicle or trailer or trailers by the department, which book or index cards shall be open to inspection by the public during reasonable business hours. A full record of all motor vehicle registration shall be posted daily by the department upon a bulletin board so located as to be easily accessible to the public, and no information relative to any such registrations shall be made public by any employee of the department in advance of such posting. Registration
Record posted.

Upon the filing of such application and the payment of the fee provided in this act, the department shall upon registration assign to such motor vehicle or trailer or trailers, a distinctive registration number. Assignment of number.

Stats 1917, p. 387.

SEC. 4. Section five of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Number plates.

Sec. 5. The department shall furnish to every person whose motor vehicle or trailer or trailers shall be registered as aforesaid, on original registration, one number plate for motorcycles and trailers, and two number plates for automobiles, the same to have displayed upon them the registration number assigned to such vehicle, together with the abbreviation "Cal."; provided, however, that number plates furnished for trailers and for such motor vehicles as are exempted by section two of this act from the payment of the fees in this act prescribed shall contain suitable distinguishing marks or symbols, and the numbers assigned in such cases shall run in different numerical series from the numbers assigned to other vehicles registered under the provisions of this act; and provided, further, anything to the contrary in this act notwithstanding, that it shall not be necessary to apply for registration of implements of husbandry temporarily drawn, moved or otherwise propelled upon the public highway, nor shall it be necessary for the department to assign any distinguishing numbers to such implements of husbandry or to furnish number plates for display thereon; the number plates assigned as herein provided shall be and remain with the motor vehicle for the period of registration mentioned in the application therefor; such number plates shall be changed annually and shall be of a distinctly different color each year, and there shall be a marked contrast between the color of the number plates and that of the numerals or letters thereon.

Annual change.

Stats 1917, p. 387.

SEC. 5. Section six of said act approved May 10, 1915, as amended as aforesaid is hereby amended to read as follows:

Renewal of registration.

Sec. 6. All motor vehicle registrations under this act shall expire January 31 of each year and shall be renewed annually in the same manner and upon the payment of the same fee as provided for original registrations, such renewal to take effect on the first day of February of each year. The plates and certificates of registration furnished by the said department as heretofore provided shall be valid during the year only in which they are furnished or issued.

Stats. 1917, p. 387.

SEC. 6. Section seven of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Registration fees.

Sec. 7. The following fees shall be paid to the department upon the registration of a vehicle in accordance with the provisions of this act and shall accompany the application hereinabove provided for: For the registration of every motorcycle, two dollars; for the registration of every automobile, except electric automobiles, the sum of forty cents for each horsepower, or major fraction thereof, according to the formula specified in section three of this act; for the registration of every motor vehicle equipped with other than pneumatic tires, and used for commercial purposes, weighing under four thousand pounds unladen, five dollars in addition to the fees provided herein for horsepower rating or for electric motor

Motorcycles. Automobiles.

vehicles; for every such vehicle weighing four thousand pounds and over and less than six thousand pounds unladen, ten dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for every such vehicle, weighing six thousand pounds and over and less than ten thousand pounds unladen, fifteen dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for every such vehicle weighing ten thousand pounds and over unladen, twenty dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for the registration of every electric motor vehicle, five dollars; for the registration of motor vehicles owned by or under the control of a manufacturer of, or dealer in, motor vehicles, ten dollars for the first set of number plates, and five dollars for each additional set, two number plates of the same kind shall constitute a set; for the registration of the motorcycles owned by or under the control of a manufacturer of or dealer in motorcycles five dollars for the first number plate and one dollar for each additional number plate; for every registration number plate for trailers, two dollars; for every chauffeur's license, two dollars; for an original operator's license no fee shall be charged; for the registration of every transfer of ownership shall be charged a fee of one dollar. Upon the filing of an affidavit showing the fact of loss or mutilation or illegibility, the fees for additional number plates, duplicate container, certificate of registration, chauffeur's badge, chauffeur's certificate, or duplicate operator's license shall be as follows; *provided*, that no affidavit will be required for duplicate operator's license: For every such number plate, one dollar; for every such duplicate container, twenty-five cents; for every such certificate of registration, fifty cents; for every such chauffeur's badge, one dollar; for every such chauffeur's certificate, fifty cents; for every such operator's license, twenty-five cents.

Electric motor vehicles.

Chauffeur's license.

Duplicates.

Anything herein to the contrary notwithstanding, if application for the registration of a motor vehicle or for chauffeur's license is made during the period beginning on the first day of May and ending on the thirty-first day of July in any year, three-fourths of the annual fee shall be paid; if application is made during the period beginning on the first day of August and ending on the thirty-first day of October, one-half of such annual fee; if application is made during the period beginning on the first day of November and ending on the thirty-first day of January, one-fourth of such annual fee.

Portion of year.

SEC. 7. Section eight of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows: Stats. 1917, p. 388.

SEC. 8. The department shall also furnish with each number plate for motorcycles and with each pair of number plates for automobiles, and on each annual renewal of registration, a certificate of registration which shall contain upon the face thereof the following data: The name of the registered owner Certificate of registration.

of the motor vehicle, his post-office address, the name and address of the legal owner, and the make of the vehicle, the year model denoted by the manufacturer, the model or letter denoted by the manufacturer, if any, the engine or motor number, the registered horsepower, the registration number and the amount of annual registration fee, together with the date of issue of the certificate; *provided, however*, the name and address of the legal owner shall appear on the bottom line of the certificate of registration. In case of motorcycles, the manufacturer's serial number shall be stated in lieu of the engine number. Such certificate shall contain a blank space for the signature of the registered owner and shall be signed by such owner. The reverse side of said certificate shall contain forms (a) for notice to the department by the registered owner and the legal owner in case of transfer of ownership, as hereinafter required, and (b) for application to the department by the transferee, in case of transfer of said motor vehicle, for registration thereof in his name, said application to be in the form of a joint statement to be signed by both transferor and transferee and the legal owner and to contain in addition to such other particulars as may be required by said department, a statement of the post-office address of the transferee so applying for registration. Said certificate shall contain the identical registration number denoted on the number plate or plates in connection with which such certificate is issued, and it shall be valid only for the year in which it is issued. Said certificate shall be enclosed in a suitable container, to be furnished by the department, such container to have a frame of aluminum or other metal and to have a cover of isinglass or other transparent material, through which such certificate can be easily inspected, and with such container said department shall furnish screws or other suitable means of attachment to the motor vehicle. Said number plates, certificates and containers shall be furnished by the department without further charge than the fees specified in section seven of this act, with transportation prepaid, and shall be of substantial character and suitable form and design, to be determined by the department.

Legal
owner
designated.

Container.

Transfer of
ownership.

Upon the transfer of ownership of any motor vehicle registered under section three of this act the person in whose name such vehicle is registered shall forthwith (a) file with the department a notice, upon the form furnished by the department and attached to the certificate of registration, containing the date of such transfer of ownership and the name and post-office address of the transferee, and upon such transfer the title of the number plates shall vest in the transferee.

Joint
statement.

Upon the transfer of ownership of any motor vehicle, the person in whose name such vehicle is registered and the person to whom ownership of such vehicle is to be transferred shall forthwith join in a statement of said transfer endorsed upon

the reverse side of the certificate of registration of said motor vehicle in the space provided for said purpose, which statement shall be signed by the transferor and the legal owner in the manner and form of his signature contained on the face of said certificate and which statement shall likewise be signed by the transferee, who shall also set forth below his signature his post-office address. Said statement shall include an application by the transferee for registration of said vehicle in his name. Said certificate so endorsed and bearing upon the reverse side thereof the signatures of the transferor and transferee, shall be forwarded by the transferee within ten days to the department together with proper fee of one dollar required by section seven of this act. The department shall file said certificate so jointly endorsed by transferor and transferee and upon receipt of the proper fee as above provided, the department, if satisfied of the genuineness and regularity of said transfer, shall register said motor vehicle in the name of said transferee.

Upon such registration the department shall issue and forward to the applicant without further charge than as provided in section seven of this act, a new registration certificate in the manner and form as hereinabove provided for original registration. Until said transferee has received said certificate of registration and has written his name upon the face thereof in the blank space provided for said purpose by the department, delivery of said motor vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed and said intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose; *provided*, that where such transfer is made to a manufacturer or dealer to whom has been assigned a general distinguishing number and who intends to resell or otherwise retransfer said vehicle the provisions of this act relative to the joint statement of transferor and transferee endorsed thereon, shall be complied with upon such sale or transfer. In case of transfer of ownership of a motor vehicle, registered under the provisions of this act, by operation of law, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the registered owner, the notice of transfer as well as the joint statement hereinabove provided for shall be signed by the executor, administrator, receiver, trustee, sheriff, or other representative or successor in interest of the registered owner, in lieu of such owner, and the transferee's application for registration shall be accompanied by a statement of the special facts in the premises; *provided*, that the department may in its discretion require from the transferee, before registering such motor vehicle, such additional information respecting such involuntary loss of ownership by the former registered owner as may be satisfactory to the department.

New registration certificate.

Transfer by operation of law.

When
vehicle
not to be
operated on
highway.

Anything to the contrary hereinabove notwithstanding, upon the transfer of ownership of any motor vehicle to a person not intending either to operate the same or to cause or permit the same to be operated upon the public highways and not intending to transfer such motor vehicle to another person, a statement by said transferee of such fact or intent shall accompany the application for registration, in which case no fee for registration need be paid by the applicant, whereupon the department, if satisfied of the genuineness and regularity of said transfer and if satisfied of the facts stated in said application for registration, shall register, without any charge whatever, such motor vehicle in the name of said transferee and shall issue and forward to him a new registration certificate in a distinctive form to be determined by the department; *provided*, that until said transferee has received said registration certificate, delivery of said motor vehicle shall be deemed not to have been made, and title thereto shall be deemed not to have passed and said intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose; *and provided, further*, that nothing herein contained shall be so construed as to permit such motor vehicle to be operated upon the public highway under such distinctive certificate of registration last hereinabove provided for.

Registration
refused or
revoked.

If the department shall determine, at any time, that for any reason a motor vehicle or trailer is unsafe or is improperly equipped or is otherwise unfit to be operated, or that the applicant for registration thereof is not entitled as owner thereof to such registration, the department may refuse to register such vehicle and may, for a like reason, revoke any registration already acquired.

Stats. 1917,
p. 392.

SEC. 8. Section nine of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Dealer's
registration.

Sec. 9. Every manufacturer of, or dealer in, motor vehicles may make application to the department, by mail or otherwise, upon a blank provided by the department, for a general distinguishing number or symbol, instead of registering each motor vehicle owned by him, and with such application he shall deposit the proper registration fee as provided in section seven of this act; and the department shall grant the application if satisfied of the facts stated in the application and shall issue to the applicant a certificate of registration containing the name and business address of the applicant and the general distinguishing number or symbol assigned to him, and made in such form and containing such further information as the department may determine; and every motor vehicle owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number or symbol until ten days after being sold, or until let for hire, or until loaned for a period of more than ten successive days. The department shall furnish, without other charge than the fee specified in section seven of this act, with transportation charges prepaid, to every manufacturer of or dealer in auto-

mobiles or motorcycles applying therefor whose vehicles are registered in accordance with the provisions of this section, one pair of automobile plates or one single motorcycle number plates, of suitable design, the plates to have displayed upon them the registration number which is assigned to the motor vehicles of such manufacturer or dealer, with a different symbol on each pair of automobile number plates and on each single motorcycle plate. The department shall furnish such additional number plates as required by any dealer, upon the payment of the fee therefor set forth in section seven of this act. If the department shall determine at any time for due cause that any such manufacturer or dealer to whom the certificate of registration provided for in this section has been issued and to whom such general distinguishing number or symbol has been assigned has failed to comply with the requirements of this section hereinafter contained with reference to notices or reports of transfer of motor vehicles, or has caused or suffered, or is causing or suffering, the unlawful use of such certificate or number, the department may revoke said certificate of registration and recall and cancel said general distinguishing number of symbol, in which event said manufacturer or dealer, after notice of such action on part of the department, shall, without further demand, return to the department any and all number plates that may have been furnished him by the department under said certificate so revoked; *provided*, that no manufacturer or dealer or any employee of such manufacturer or dealer, shall cause or permit the display, or other use, of any number plate, or certificate of registration which may have been furnished to such manufacturer or dealer under the general distinguishing number or symbol hereinbefore provided for, excepting upon motor vehicles owned by such manufacturer or dealer within the meaning and intent of this act; *provided, further*, that no person shall display or otherwise use or have in his possession any number plate, or certificate of registration furnished by the department under a general manufacturer's or dealer's distinguishing number or symbol, except such manufacturer or dealer or his employees; *and provided, further*, that if the department, upon receiving from any manufacturer or dealer an application for the issuance for the ensuing calendar year of the certificate of registration and general distinguishing number or symbol provided for in this section, shall determine upon due cause that such manufacturer or dealer during the previous calendar year has failed to comply with the requirements of this section hereinafter contained respecting the filing of notices or reports of transfer of motor vehicles, or has caused or suffered, or is causing or suffering, the unlawful use of such certificate or number, the department may refuse such application.

Dealer's
registration.

Unlawful
use of
dealer's
registration.

When it shall become necessary for a manufacturer of, or dealer in, or consignee of, motor vehicles to move any vehicles owned by or consigned to him, not being registered under any of the provisions of this act, from any vessel, railroad depot,

Moving
unregis-
tered
vehicle.

or warehouse, to the salesrooms or other place of business of such manufacturer or dealer, or to a warehouse or other place of storage, over the public highways, he may operate such vehicle, either under its own power or otherwise, over such public highways as are necessary for said purpose, without first registering said motor vehicle or affixing thereto any number plates issued to him under the general distinguishing number or symbol hereinabove specified; *provided, however*, that in such event he shall first obtain from the police authorities or marshal of the city or town in which said vessel, railroad depot or warehouse is situated, a written permit authorizing such operation; and there is hereby conferred upon police authorities, including town marshals, within the State of California, authority to issue such permits in proper cases as hereinbefore provided.

Dealer's
notice
of sale.

Upon the transfer of any motor vehicle by a manufacturer or dealer, whether by sale, lease or otherwise, such motor vehicle not being registered under the provisions of section three hereof, such manufacturer or dealer shall, forthwith upon such transfer, file with the department, upon a blank to be furnished by the department, a notice or report containing the date of such transfer, a description of such motor vehicle, and the name and post office of the purchaser, lessee or other transferee. Before any person, firm or corporation shall wreck, dismantle or dissemble any motor vehicle, or substantially alter the form thereof, such person, firm or corporation shall give notice in writing upon forms to be furnished by the motor vehicle department of the intention so to do to the chief of police or marshal of the city or town in which such work is to be done or if such work is to be done outside of an incorporated city or town, such notice shall be given to the sheriff of the county in which the work is to be done.

Notice of
dis-
mantling.

Notice of
transfer of
engine.

Upon the transfer of any automobile engine or motor, except a new engine or motor transferred with intent that the same be installed in a new automobile, and whether such transfer be made by a manufacturer or dealer or otherwise, and whether by sale, lease or otherwise, the transferor shall within three days after such transfer file with the department, upon a blank to be furnished by the department, a notice or report containing the date of such transfer and a description, together with the maker's number of said engine or motor, the name and post-office address of the purchaser, lessee or other transferee.

Stats. 1917,
p. 395.

SEC. 9. Section eleven of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Display of
number
plates.

Sec. 11. Except as in this act otherwise provided, no person shall operate or drive, or cause to be operated or driven, a motor vehicle, or cause a trailer to be drawn by a motor vehicle, on the public highways unless such vehicle shall at all times have displayed the number plate or plates furnished for it as hereinbefore provided: in case of automobiles, each such vehicle shall display one number plate on the front and the other on the back thereof; in case of motoreycles and trailers,

but one number plate shall be required to be displayed and such number plate upon motorcycles and trailers shall be at the rear thereof; in all cases such number plates shall be securely fastened to the motor vehicle or trailer so as to prevent said plates from swinging, and at a minimum distance of sixteen inches from the ground. Nothing in this act shall be construed to require the display of any number plate on other than the rear trailer, when more than one trailer is drawn by a motor vehicle. No person shall attach to, or display on, such motor or other vehicle, any number plate, or registration seal or certificate other than as assigned to it for the current year, or a fictitious, or altered number plate, registration certificate, or a number plate, or registration certificate that shall have been canceled by the department. All letters, numbers, printing, writing and other identification marks upon said plates, and certificates, shall be kept clear and distinct and free from grease, dust or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the night time; *provided*, that in case any such plate, or certificate of registration, operator's license or chauffeur's license or badge shall be lost, mutilated or shall have become illegible, the person to whom such plate, seal, certificate, license or badge shall have been furnished shall immediately apply to the department for a duplicate thereof, accompanying his application with the fee specified in section seven of this act. Visibility.

No person shall operate or drive a motor vehicle on the public highway unless such vehicle shall at all times carry in or upon it, subject to inspection by any peace officer, or employee of the department, the registration certificate furnished for it as hereinabove provided, which in case of an automobile shall be affixed in the container furnished by the department, in plain sight in the driver's compartment of the automobile and which, in case of a motorcycle, shall be carried either in plain sight affixed to said motorcycle, or in the tool bag or some other convenient receptacle attached to said motorcycle. Display of registration certificates.

The registration fee required under this act to be paid upon a motor vehicle or trailer shall become delinquent in the case of any such vehicle forthwith upon the operation of the vehicle on the public highways without the registration fee required by this act first having been paid to the department, accompanied by the application for registration provided herein. It is hereby provided, in addition to any and all other penalties provided by this act, that if, at the expiration of thirty days after any registration fee becomes delinquent, such fee has not been paid and registration applied for, a penalty shall be added to the amount of such fee in an amount equal to twenty-five per cent of the fee required by section seven of this act, and that such fee, together with the amount of said penalty, shall be a lien upon the motor vehicle or trailer in regard to which said registration fee is delinquent, and the department shall have power and it is hereby made its duty to collect the Added penalty for failure to register.

said registration fee, together with the penalty, by seizure of such motor vehicle or trailer from the person in possession thereof, if any, and by the sale thereof. The seizure and sale herein authorized shall be conducted and carried out by the department in the same manner as is provided by law for the seizure and sale of personal property by the county tax collector for the collection of taxes due on said personal property; *provided, however*, that in case of annual renewal of registration, where the applicants have in all things complied with the requirements of this act and have duly applied for such annual renewal of registration before the commencement of the ensuing calendar year, accompanying their applications with the proper fees for such registration, they shall be entitled to operate said vehicles during the month of February without displaying the registration certificates of the current year, on condition that they have at all times displayed upon said vehicles the number plates assigned to said vehicles respectively, together with the registration seals and certificates assigned thereto for the previous year.

Operation pending renewal of registration.

Stats. 1917, p. 396.

SEC. 10. Section thirteen of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Lights.

Sec. 13. (a) Where there is not sufficient light within the lateral boundaries of the public highway to reveal all persons, vehicles or other substantial objects within said boundaries for a distance of at least two hundred feet, and all times during the period from a half hour after sunset to a half hour before sunrise, every automobile while on the public highway shall carry at the front at least two lighted lamps, and every such automobile and every trailer, at the times and under the conditions in this section hereinbefore specified, shall carry at the rear a lighted lamp exhibiting a red light plainly visible, under normal atmospheric conditions, for a distance of five hundred feet toward the rear and so constructed and placed that the number plate carried on the rear of such automobile or trailer shall be illuminated by a white light in such manner that the number thereon can be plainly distinguished under normal atmospheric conditions at a distance of not less than fifty feet toward the rear; *provided, however*, that where more than one trailer is attached to a motor vehicle, only the rear trailer shall be required to exhibit said light. At the times and under the conditions in this section hereinbefore specified, all other vehicles, except bicycles, motoreycles and motor trucks of two tons carrying capacity or over which are so governed or mechanically constructed or controlled that they can not, exceed a speed of fifteen miles per hour, shall carry one or more lighted red lamps or lanterns so arranged that said red lamp or lamps shall be visible from every direction for a distance of not less than two hundred feet.

Tail lights.

Horse-drawn vehicles.

(b) At the times and under the conditions in this section ^{Bicycles.} hereinbefore specified, every bicycle while on the public highway shall carry a lighted lamp visible under normal atmospheric conditions at least three hundred feet in the direction toward which such bicycle is faced, and shall also carry at the rear of such bicycle a reflex mirror or a lighted lamp exhibiting a red light plainly visible under normal atmospheric conditions for a distance of at least two hundred feet toward the rear.

(c) At the time and under the conditions in this section ^{Motorcycles.} hereinbefore specified, every motorcycle while on the public highway shall carry at the front at least one lighted lamp which shall give a light of sufficient power and so distributed as provided in subdivision (f) and shall also carry at the rear of such motorcycles a lighted lamp, exhibiting a red light plainly visible under normal atmospheric conditions for a distance of at least two hundred feet towards the rear.

(d) At the time and under the conditions in this section ^{Motor trucks.} hereinbefore specified, every motor truck of two tons carrying capacity or over, which is so governed or mechanically constructed or controlled that it can not exceed a speed of fifteen miles per hour, shall carry at the front at least two lighted lamps which shall be visible at least two hundred feet in the direction in which the motor truck is proceeding, and when the vehicle is proceeding on a street or highway not so lighted as to reveal any person, vehicle or substantial object on the street or highway straight ahead of such motor truck for a distance of at least two hundred feet, such front light shall be sufficient to reveal any person, vehicle or substantial object on the road straight ahead for a distance of seventy-five feet or over, and shall be equipped with a tail light such as is required on other motor vehicles.

(e) In any case where a motor or other vehicle shall be loaded with any material in such a manner that any portion of such load extends toward the rear four feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme end of the load, at the times and under the conditions in this section hereinbefore specified, in addition to the ordinary rear or tail light hereinbefore required to be displayed on such vehicle, a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear; *provided, further*, that at other times while such ^{Over-hanging loads.} vehicle is upon the highway a red flag or cloth not less than sixteen inches in length nor less than sixteen inches in width shall be displayed at the extreme rear end of said load as a warning signal to persons operating vehicles approaching from the rear.

(f) At the times and under the conditions in this section ^{Headlights.} hereinbefore specified the headlights of all automobiles upon the highways shall give a light of sufficient power and so distributed as provided herein in addition to and irrespective

of any other requirements concerning headlights in this section contained. The term "headlight" as used herein, shall denote any light, located upon any portion of the said motor vehicle other than on the windshield, the windshield supports or top thereof, the rays of which are projected forward, except sidelights of not to exceed four candle power; *provided, further*, anything to the contrary notwithstanding, that where there is sufficient light within the lateral boundaries of the public highway within any incorporated city, town or city and county, to reveal all persons, vehicles or substantial objects within said boundaries for a distance of two hundred feet, no lights shall be required to be displayed on any vehicle while the same is not in operation, providing that a wheel of such standing vehicle nearest the sidewalk is located within twelve inches of such sidewalk.

Sidelights
when
lights not
required.

Candle
power.

(g) The headlights of motor vehicles shall be so arranged, adjusted, and constructed when the car is fully loaded, that any pair of headlights under the conditions of use must produce a light which:

1. When measured on a level surface on which the vehicle stands at a distance of two hundred feet directly in front of the car and at some point between the said level surface and a horizontal passing through the top of the headlight reflector or lens, is not less than one thousand two hundred apparent candle power.

2. When measured at a point one hundred feet directly in front of the car, and at a height of sixty inches above the level surface on which the vehicle stands, does not exceed two thousand four hundred apparent candle power nor shall this value be exceeded at a greater height than sixty inches.

3. When measured at a distance of one hundred feet ahead of the car and seven feet or more to the left of the axis of same, and at a height of sixty inches above the level surface on which the vehicle stands, does not exceed eight hundred apparent candle power.

Tests of
devices
for
controlling.

(h) Any device or adjustment used in connection with a light upon a motor vehicle to enable the same to comply with the requirements of subdivision (f) hereof shall not be used upon a motor vehicle operated upon the highways of this state until the same shall have been tested as provided herein; such test shall be made by a skilled testing agency, appointed for that purpose by the superintendent of motor vehicle department and such tests shall be laboratory tests according to the following specifications:

Specifications. Two pairs of samples of the device submitted shall be subject to test. In the case of front glasses the sample shall be of nine and one-fourth inches diameter when practicable.

The reflectors used in connection with the laboratory tests shall be of standard high-grade manufacture of one and one-fourth inch focal length, with clean and highly polished surfaces and as nearly truly paraboloidal in form as practicable,

and as approved for this purpose by the testing agency selected by the superintendent of the motor vehicle department. Specifications.

The incandescent lamps used in connection with the laboratory test shall be of standard high quality manufacture and as approved for this purpose by the testing agency selected by the superintendent of motor vehicle department.

The manufacturer of the device shall be given due notice of the date and place of test. Manufacturers' representatives present at the test shall be privileged to adjust their devices in any way which represents an ordinary and legitimate adjustment including tilting the lamps or reflectors, which can be carried out by purchasers of the device, or such adjustment may be made by the laboratory expert acting on the instructions of the manufacturer. The character of the adjustments so made shall be carefully noted and stated in the report as manufacturer's adjustment.

The tests shall be as follows:

Test 1. Four-point test of pairs of samples. A pair of testing reflectors, mounted similarly to the headlamps on a car shall be set up in a dark room, or at the request of the applicant, out of doors in darkness under such conditions that no light thrown or reflected from any source other than from the device being tested shall materially affect the test readings, at a distance of not less than sixty feet, nor more than one hundred feet from a vertical white screen. If a testing distance of one hundred feet is taken the reflectors shall be set twenty-eight inches apart from center to center, and if a shorter testing distance is taken, the distance between reflectors shall be proportionately reduced. The axes of the lamps shall be parallel and horizontal, or as tilted in accordance with the manufacturer's adjustment. The intensity of the combined light shall then be measured with each pair of samples in turn, with the reflectors fitted with a pair of each of the following types of incandescent lamps in turn:

(1) Vacuum type, 6-8 volts, 17 msep.

(2) Gas-filled type, 6-8 volts, 20 msep.

The lamps shall be adjusted to give their rated candle power. Measurements shall be made at the following points at the surface of the screen:

A. In the median vertical plane parallel to the lamp axes, on a level with the lamps.

B. In the same plane one degree of arc below the level of the lamps.

C. In the same plane one degree of arc above the level of the lamps.

D. Four degrees of arc to the left of this plane and one degree of arc above the level.

In an acceptable device both pairs of samples shall conform to the following specifications for observed apparent candle power. Points A and B. At at least one of these points the

apparent candle power shall not be less than one thousand two hundred. Point C. The apparent candle power shall not exceed two thousand four hundred. Point D. The apparent candle power shall not exceed eight hundred; *provided, however*, that if the test indicates that a device which is unacceptable with either of the test lamps will come within the specifications with lamps of another candle power or of the other type, the device may be passed with corresponding limitations as to the incandescent lamps to be used in connection with it.

Test 2.

Test 2. Complete test of single sample.

A single sample taken as an average representative of the device as manufactured shall be submitted to a complete test with a vacuum incandescent lamp of seventeen candle power 6-8 volt rating. This test shall show its light distribution characteristics by actual measurements made according to recognized and exact methods.

One pair of the samples shall be retained by the testing agency for the purpose of future reference and as samples of construction and the other pair shall be returned to the office of the superintendent of the motor vehicle department.

The report of the tests shall be rendered in duplicate to the superintendent of the motor vehicle department, and shall be signed or initialed not only by the expert making the test, but also by an executive officer of the institution making the test.

It shall include a statement by the testing agency or the testing official as to whether or not the device when properly applied substantially complies with the requirements of section thirteen of the California motor vehicle act.

Report to
local
authorities.

(i) The superintendent of the motor vehicle department shall immediately upon the completion of the tests made as herein provided, prepare a written report of the results of such tests and transmit a copy thereof to the clerk of each county within the State of California, who shall thereupon immediately file such report. A copy shall also be sent to the city, town or county traffic departments, whose duty it is to enforce the law. The superintendent of the motor vehicle department shall endorse upon such report the statement of the testing agency or the testing officials as to whether or not the said device when properly applied, substantially complies with the requirements of section thirteen of the California motor vehicle act.

Home-
made
devices.

(j) It shall be unlawful for any manufactured device that is sold commercially to be used in connection with the headlight upon a motor vehicle to enable the same to comply with the provisions of subdivision (f) hereof unless such device shall have been first tested as provided in subdivision (h) hereof, and the testing agency shall have reported that such device, when properly applied, substantially complies with the requirements of section thirteen of the California motor vehicle act; and such reports shall have been incorporated in the said report of the said superintendent of the

motor vehicle department and a copy thereof filed in the office of the clerk of the county in which said device is used and a copy sent to city, town or county traffic departments whose duty it is to enforce the law.

(k) Any person, firm or corporation may submit to the superintendent of motor vehicle department a device for controlling the front lights of motor vehicles, so that they shall comply with the provisions of this section, together with an application that such device be tested as prescribed by this section. Such applicant shall pay to the motor vehicle department a fee of fifty dollars. Thereupon the superintendent of motor vehicle department shall upon notice to the applicant submit such device to the testing agency appointed for this purpose as hereinbefore provided with the request that it be tested as to its compliance with the provisions of this section. Upon notice from such testing agency that such test has been made and that such device, when properly applied, substantially complies with the provisions of this section, and specifying the maximum candle power to be used therewith, the superintendent of motor vehicle department shall issue a certificate to the applicant describing the device, certifying that such test has been made, that the device, when applied, complies with the provisions of this section and prescribing the said maximum candle power to be used therewith. All fees paid into the department with said applications shall be paid into the state treasury and deposited in a fund to be known as the "testing fee fund", and the moneys in said fund are hereby appropriated, or so much thereof as may be necessary to meet the expenses of the test provided for in this section, and the balance thereof, if any, after meeting all expenses incurred in connection with said test shall be paid into the motor vehicle fund. Diffusing type of lens may be used with a candle power not sufficiently great to produce a dangerous glare. The maximum of such candle power shall be established by the testing agency selected by the superintendent of the motor vehicle department, based upon tests as herein above provided. Any device so certified shall be equipped with light bulbs labeled with the true candle power thereof, not exceeding that prescribed.

Submission of device for test.

Fee.

Certificate of approval.

Diffusing lens.

(l) The term "spotlights" as used herein shall denote any light fastened to the windshield, the windshield support or top of a motor vehicle, the rays of which are projected forward, except sidelights of not to exceed four candle power.

Spotlights.

All spotlights used upon motor vehicles shall be so constructed or arranged that no portion of the main, substantially parallel beam of light when measured one hundred feet or more ahead of said lights shall rise or shall be capable of being raised from the driver's seat, to more than forty-two inches above the level surface upon which the vehicle stands directly ahead of such vehicle.

Stats. 1917,
p. 398.

SEC. 10 $\frac{1}{2}$. Section fifteen of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Cleats, etc.
on tires.

Sec. 15. (a) Other than on vehicles actually engaged at the time in construction or repair work on public highways, no tire on any motor or other vehicle operated on or over any public highway or bridge shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread or traction surface of the tire; but this section shall not be so construed as to prohibit the use of tire chains of reasonable proportions on motor vehicles when required for safety because of snow, ice or other conditions tending to cause such motor vehicle to slide or skid; *provided, however*, that traction engines or tractors the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain, known as a movable track, may be operated upon the public highways with transverse corrugations upon the periphery of said movable tracks, on condition that a permit shall first have been obtained as hereinafter in this section provided.

Total
weight
limit.

(b) No motor or other vehicle shall be operated on or over any public highway or bridge, nor shall any object be moved over or upon any public highway or bridge on wheels, rollers, or otherwise, except when transported in or upon vehicles running exclusively on stationary rails or tracks, in excess of a total weight, including load, of thirty thousand pounds, when said motor or other vehicle or contrivance is equipped with four wheels running on the highway, or in excess of a total weight, including load, of forty thousand pounds when said motor or other vehicle or contrivance shall be equipped with six wheels running on the highway and with three axles not less than ninety-six inches apart, without first obtaining a permit as hereinafter in this section provided.

Weight
limit per
inch of
tire width.

(c) No motor or other vehicle or other object, or contrivance for moving loads, except as hereinafter otherwise provided, shall be operated or moved upon or over any public highway or bridge, the weight of which resting upon the surface of said highway or bridge exceeds eight hundred pounds upon any inch of width of tire, when said vehicle is equipped with tires made of other material than metal; and no motor or other vehicle, object, or contrivance for moving loads shall be operated or moved upon or over any public highway or bridge the weight of which resting upon the surface of said highway or bridge exceeds six hundred pounds upon any inch of width of tire, roller, wheel or other object supported on the surface thereof when such tires or the rolling surface of such rollers, wheels or other objects are made in whole or in part of metal, without first obtaining a permit as hereinafter in this section provided; *provided, however*, that traction engines or tractors the propulsive power of which is exerted not through wheels

resting upon the ground but by means of a flexible band or chain, known as a movable track, shall not be subject to the foregoing limitations upon permissible weights per inch of width of tire if the portions of the movable tracks in contact with the surface of the highway present plane surfaces; *and provided, further*, that cities heretofore or hereafter organized under freeholders' charters may permit or prohibit the increase, beyond the maximum weight per inch of width of tire hereinabove prescribed, of the weight of loads carried within the limits of such cities in or upon metal-tired vehicles drawn by muscular power, but where any such city has not by proper and suitable ordinance or other regulation permitted or prohibited such increase of maximum weight of loads, the regulations and limitations prescribed by this act shall not apply.

In freeholders' charter cities.

The supervisors of any county shall have power to require a lighter load on county roads in their respective counties. Any person violating the provisions of this subsection shall be guilty of a misdemeanor and is liable to a penalty of twenty dollars for each full ton in excess of the limitation herein imposed, and any peace officer making the arrest of the owner or driver of any vehicle violating the provisions of this subsection shall keep said vehicle with its load in his custody until such time as said penalty shall have been paid; *provided*, that the owner or driver of any such vehicle may give to said peace officer a bond in favor of the State of California in case of state highways, and in the name of the county in which the offense has occurred in the case of county roads, conditioned to secure the payment of said penalty within the time prescribed in said bond. Furthermore, any peace officer may require the owner or the driver to drive any such vehicle to the nearest public scales to be designated by such peace officer for the purpose of establishing the weight and the load of any such vehicle.

Regulation by county.

Penalty

(d) No motor vehicle shall be operated or driven over any public highway or bridge drawing or having attached thereto more than two trailers; *provided*, that all four-wheeled trailers excepting light camping trailers shall be equipped with suitable brakes.

Trailer limitation.

(e) Anything to the contrary herein notwithstanding, upon application in writing to the state department of engineering, said department of engineering in its discretion may issue a special permit to the owner or operator of any vehicle allowing heavier or wider loads than hereinabove in this section or elsewhere in this act permitted to be moved or carried over and on the public highways and bridges, or allowing more than two trailers to be drawn by a motor vehicle; and may also issue such special permit to increase the permissible weights per inch of width of tire and may also permit the use of corrugations on the periphery of the movable tracks of traction engines or tractors propelled not by wheels resting upon

Permits by department of engineering.

Permits
by depart-
ment of
engineering.

the ground but by flexible bands or chains. Such permits shall be in writing and they may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain such special conditions and provisions and require such undertaking or other security as the said department of engineering shall deem to be necessary to protect the public highways and bridges from injury, or provide indemnity for any injury resulting from such operation. All such special permits shall be carried in the vehicles to which they refer and shall upon demand be open to the inspection of any peace officer, any authorized agent of the department of engineering or of the motor vehicle department, or any officer or employee charged with the care or protection of the public highways. It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of such special permits and any such violation shall be deemed for all purposes to be a violation of the provisions of this act.

Weight on
bridges, et.c.

(f) Anything to the contrary herein notwithstanding, the state department of engineering may in its discretion limit the maximum load to be carried over or on any public bridge, causeway, viaduct, trestle or dam, below the maximum established by law; *provided, however*, that in such event said department of engineering shall cause suitable signs to be erected and maintained, specifying such limitation of load, such signs to be placed at a distance of not less than one hundred feet nor more than one hundred fifty feet from the approaches to such bridge, causeway, viaduct, trestle or dam.

Liability
for
damages.

(g) Anything to the contrary in this act notwithstanding, the owner and the operator, driver or mover of any vehicle, object or contrivance over a public highway or bridge, shall be jointly and severally responsible for all damages which said highway or bridge may sustain as the result of so operating or driving or moving such vehicle and the amount of such damages may be recovered in an action at law by the authorities in control of such highway or bridge.

Stats. 1917,
p. 400.

SEC. 11. Section seventeen of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Intoxicated
driver,
penalty.

Sec. 17. No person who is under the influence of intoxicating liquor and no person who is an habitual user of narcotic drugs shall operate or drive a motor or other vehicle on any public highway within this state. Any person violating the provisions of this section shall be punished by imprisonment in the county jail for not less than six months nor more than one year or by imprisonment in the state prison for not less than one or more than three years or by a fine of not less than five hundred dollars nor more than five thousand dollars.

Stats. 1917,
p. 400.

SEC. 12. Section twenty of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Sec. 20. (a) The driver or operator of any vehicle in or upon any public highway shall drive or operate such vehicle in a careful manner with due regard for the safety and convenience of pedestrians and of all other vehicles or traffic upon such highway, and wherever practicable shall travel on the right-hand side of such highway. Two vehicles which are passing each other in opposite directions shall have the right of way, and no other vehicle to the rear of either of such two vehicles shall pass or attempt to pass such two vehicles. On all occasions the driver or operator of any vehicle in or upon any public highway shall travel upon the right half of such highway unless the road ahead on the left-hand side is clear and unobstructed for at least one hundred yards ahead and in all cases while crossing an intersecting highway. For the purposes of this section and its subdivisions, an animal or animals attached to any conveyance shall, with such conveyance, be deemed to constitute one vehicle.

Rules of
the road.

Right side
of road.

(b) Vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other one-half the road as nearly as possible.

Passing
vehicles.

(c) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left thereof and shall not again drive to the right until reasonably clear of such overtaken vehicle.

Overtaking
vehicles.

(d) It shall be the duty of the driver, rider or operator of a vehicle about to be overtaken and passed to give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by or on behalf of the operator, driver or other person in charge and control of such overtaking vehicle if such overtaking vehicle be a motor vehicle.

(e) Vehicles must be operated so as to allow a safe distance between such vehicles and any persons, vehicles or animals preceding them upon the highway, and outside of the business district of any county, incorporated city and county, city or town, contiguous to a public highway as such business district is defined in this act, no vehicle shall, while in motion, be closer than fifteen feet to any vehicle, person or animal in front thereof.

Distance
between
vehicles.

(f) Excepting where controlled by such traffic ordinances or regulations as are permitted under this act the operator of a vehicle shall yield the right of way at the intersection of their paths to a vehicle approaching from the right unless such vehicle approaching from the right is further from the point of the intersection of their paths than such first named vehicle.

Intersec-
tions, right
of way.

(g) Any vehicle traveling on a public highway which is divided longitudinally by a parkway or an isle of safety, shall keep to the right of such parkway or isle of safety unless otherwise directed by the provisions of any ordinance, rule or regulation of competent local authorities.

(h) It shall be the duty of the person operating or in charge of an overtaking vehicle to sound audible and suitable signal before passing a vehicle proceeding in the same direction.

Turning
at inter-
sections.

(i) All vehicles approaching an intersection of a public highway, with the intention of turning thereat shall in turning to the right keep to the right of the center of such intersection, and in turning to the left shall run beyond the center of such intersection, passing to the right thereof, before turning such vehicle toward the left. For the purposes of this subdivision the "center of such intersection" shall be held to mean the meeting point of the medial lines of the two highways traversed by the vehicle making the turn.

Horses, pre-
cautions on
meeting.

(j) In all passing and overtaking such assistance shall be given by the occupants of each vehicle respectively to the other as the circumstances shall reasonably demand in order to obtain clearance and avoid accidents; every person having control or charge of any motor vehicle or other vehicle upon any public highway and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding, shall operate, manage and control such motor vehicle or other vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses and to insure the safety and protection of any person riding or driving the same; and if such horse or horses appear frightened the person in control of such motor vehicle or other vehicle shall reduce its speed, and if requested by signal or otherwise by the driver or rider of such horse or horses shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, until such animal or animals be under the control of the driver or rider thereof.

(k) The operator of any vehicle shall not operate or drive the same so as to pass or overtake any other vehicle going in the same direction at any street intersection unless directed so to do by a traffic or police officer.

Slowly-
moving
vehicle.

(l) The person in control of any vehicle moving slowly along and upon any public highway shall keep such vehicle as closely as practicable to the right-hand boundary of the highway, allowing more swiftly moving vehicles reasonably free passage to the left.

Mirror
required,
when.

(m) No person shall operate or drive any motor vehicle that is so covered, loaded or constructed as to obscure the driver's view of the highway to the rear, nor any vehicle which is so covered, loaded or constructed that any portion thereof to the rear of the driver projects more than twelve inches beyond the extreme left side of the driver's seat, unless there is placed on said vehicle a mirror so located as to reflect to the driver a view of the highway for at least two hundred feet behind such vehicle.

Arm
signals.

(n) The person in charge of any vehicle in or upon any public highway, before turning, stopping, or changing the course of such vehicle, and before turning such vehicle when starting the same, shall see first that there is sufficient space for such movement to be made in safety, and if the movement or operation of other vehicles may reasonably be affected by such turning, stopping or changing of course, shall give plainly

visible signal to the persons operating, driving or in charge of such vehicles of his intention so to turn, stop, or change his course, either by the use of his hand and arm, which shall be visible from the rear, or by the use of an approved mechanical or electrical device. Any such device shall upon application to the motor vehicle department be tested and certified as adequate to give the signal herein required, in the same manner and upon the payment of the same fee as in the case of headlights.

When the signal required by this section is given by the use of the hand and arm the intention to turn such vehicle toward the right or the left shall be indicated by extending the hand and arm horizontally from and beyond the side of the vehicle toward which the turn is to be made or by extending the hand and arm vertically with the hand pointing upward from the side opposite the direction toward which the turn is to be made; when the signal to be given is to indicate the intention to stop a vehicle or to abruptly or suddenly check its speed, such signal if given with the hand and arm shall be given by extending the hand and arm out from and beyond either side of the vehicle and pointed in a downward direction.

(o) In passing any railroad, interurban or street car while passengers are alighting from or boarding the same, vehicles shall be operated or driven on the right hand side of such cars and at a rate of speed not exceeding ten miles an hour and no portion thereof or of any load thereon shall come within six feet of the running board or steps of such cars, and shall at all times be operated with due care and caution so that the safety of such passengers shall be assured; *provided, however,* that where local authorities have plainly marked upon the surface of the highway safety zones for the protection of such passengers, vehicles shall not, at any time, be operated or driven within such zones; *provided, further,* that said safety zones shall only be marked at street corners or at other regularly established stations or stopping places of such railroad, or interurban, or street cars, and shall not extend beyond seven feet toward the boundary of the highway from the outer rail of such railroad, interurban or street car line.

(p) Every motor vehicle when moving in defiles, canyons, or mountain passes where the curvature of the road or highway prevents a clear view for a distance of one hundred yards shall be held under control and not permitted to coast and the operator thereof in approaching curves shall give a warning of his gong or other adequate signaling device.

(q) No vehicle except vehicles operated by the fire department or police department of any incorporated city and county, city or town, shall be turned so as to proceed in the opposite direction except at an intersection of the public highway. In so turning vehicles shall pass beyond and around the center of such intersection. This provision shall not apply except in a business district or closely built up territory, as such district and such territory are defined in this act.

Police and
fire depart-
ment
vehicles.

(r) Police and fire department vehicles shall at all times be equipped with a siren and it shall be unlawful for any other vehicle to be equipped with or use such a device.

(s) Vehicles of the police or fire department of any incorporated city or county, city or town, shall in all cases while being operated as such, have right of way over all other vehicles with due regard to the safety of the public; but this provision shall not protect the driver or operator of any such vehicle or his employer or principal from the consequence of the arbitrary exercise of this right, nor shall it be construed as permitting the violation by the operators of any such vehicles of any of the provisions of section twenty-two of this act, except the operators of police vehicles when such vehicles are being operated in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation.

(t) Upon the approach of any police or fire department vehicle it shall be the duty of the operator of any street car, upon the sounding of a signal by such police or fire department vehicle, to stop such street car forthwith, unless at the time such street car is crossing an intersection of the public highways, in which event it shall be operated so as to clear the intersection of the highways and then stopped, and every other vehicle shall immediately be moved to a position as near as possible and parallel to the right-hand curb, and shall remain there until the police or fire department apparatus has passed such vehicle.

Fire
hydrants
protected.

(u) No person shall hitch or leave standing, or cause or permit to be hitched or left standing, any animal, or leave standing or cause or permit to be left standing, any vehicle, or stop or cause or permit to be stopped any animal or vehicle at any time upon the public highway within fifteen feet of any public fire hydrant located upon the public highway or sidewalk, unless such animal is under the charge of some person capable of driving the same or unless such vehicle is in the charge of some person capable of operating or driving the same.

Width of
vehicle.

Luggage,
trunks, etc.

(v) No motor or other vehicle as defined in this act shall be operated or driven on or over any public highway or bridge if the outside width of tread exceeds one hundred twelve inches or if the total outside width of the bed of said vehicle and any load thereon shall exceed one hundred two inches, nor shall any pleasure type automobile be operated on or over any public highway or bridge if any luggage, package, trunk, crate, box or other load carried thereon extends to the left side more than twelve inches beyond the body of such automobile; *provided, however*, that any city now or hereafter organized under freeholders' charter may permit or prohibit an increase beyond the maximum hereinbefore prescribed of the total outside width of the beds of vehicles and any loads thereon, where such vehicles are operated or driven and said loads are carried wholly within the limits of said city, but where any such city

shall not by proper and suitable ordinance or other regulation permit or prohibit such increased width, the regulations and limitations prescribed by this act shall not apply; *and provided*, that the regulations and limitations prescribed by this act relative to the maximum widths of vehicles and their loads shall not apply to implements of husbandry temporarily drawn, propelled or moved upon the highway; *and provided, further*, ^{Hay wagons, etc.} that loads not exceeding ten feet in width of loosely-piled material not crated, baled, boxed, sacked or carried otherwise than loosely in bulk, may be carried upon vehicles on the highway; *provided*, that the extreme width of such vehicles, including any loading racks thereon, shall not exceed one hundred twenty inches, as hereinbefore prescribed.

(w) No person shall leave standing, or cause or permit to be left standing upon the main traveled portion of any ^{Repairing vehicle on highway.} public highway, a vehicle undergoing repair, or which has been stopped for the purpose of having repairs made thereon, or for the purpose of camping; *provided, however*, that this provision shall not apply to a vehicle which shall be disabled, while on such main traveled portion of the highway, in such manner and to such extent that it shall be impossible to avoid stopping such vehicle on said main traveled portion of the highway, and impracticable to remove the same therefrom until repairs shall have been made.

(x) The provisions of subdivisions (a), (b), (c), (d), (e), (g), (j), (k), (l) of this section shall be applicable to the ^{Riding animals regulated.} rider of every horse, mule or other riding animal ridden upon the public highway, to the end and effect that the same duties, rules and regulations imposed thereon upon the drivers or operators of vehicles upon the public highway, including the care to be exercised in driving or operating vehicles, the portion of the highway upon which they shall travel, the right of way as between vehicles passing or overtaking each other, or upon approaching intersections, the duty of giving way in favor of overtaking vehicles, the manner of turning at intersections and at other places upon the highway and of stopping or changing the course of the vehicles and the duties imposed upon operators or drivers of vehicles in passing railroad, inter-urban or street cars, shall be imposed, and they are hereby imposed, upon the riders of animals upon the public highways.

(y) No person owning, or controlling the possession of, any ^{Livestock on highway.} horse, cow, mule, ass, sheep, goat, hog or other live stock, shall voluntarily or negligently permit such animal to stray upon or remain unaccompanied by a herder or other person in charge or control thereof upon a public highway, either side of which is adjoined by property which is separated from such highway by a fence, wall, hedge, sidewalk, curb, lawn or building, or shall permit the tether or any portion thereof to which such animal may be attached, to lie across or upon any public highway, and no person shall feed, pasture or camp any such live stock upon any public highway between the hours of sunset and sunrise without keeping a sufficient number of herders on continual

duty to keep open the road so as to admit at all times of the ready passage of vehicles, and also keeping red lanterns or lights burning to warn the public of the presence of such stock.

Firearms.

(z) No person shall discharge any firearms on any public highway.

Leaking contents, etc.

(aa) No vehicle shall be operated on any public highway unless it is so constructed as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from such vehicle.

Windshields.

(ab) Every motor vehicle used for commercial purposes shall be equipped with an adequate wind shield.

Stats. 1617, p. 404.

SEC. 13. Section twenty-two of said act, approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Speed limits.

Sec. 22. (a) Any person operating or driving a motor or other vehicle on the public highways shall operate or drive the same in a careful and prudent manner and at a rate of speed not greater than is reasonable and proper, having regard to the traffic and use of the highway, and no person shall operate or drive a motor vehicle or other vehicle on a public highway at such rate of speed as to endanger the life or limb of any

General.

person or the safety of any property; *provided*, that it shall be unlawful to operate or drive at a rate of speed in excess of thirty miles an hour, except in the daytime and except when the operator or driver has a clear and uninterrupted view of the highway on which he is traveling in the direction toward which he is traveling and of all highways which intersect such highway within four hundred feet ahead of such operator or driver, to a distance of at least four hundred feet from the highway on which he is traveling and there is no person, vehicle or other object visible ahead on such highway on which such operator or driver is traveling within four hundred feet of such operator or driver or on any such intersecting highway within four hundred feet of the point of the intersection of the center

Maximum.

lines of such highways; *provided, also*, that in no case shall any vehicle be operated at a rate of speed in excess of thirty-five miles an hour; *and provided, further*, that in any event no person shall operate or drive a motor vehicle or other vehicle on any public highway where the territory contiguous thereto is closely built up, at a greater rate of speed than twenty miles an hour, or in the business district of any incorporated city and county, city or town, at a greater rate of speed than fifteen miles an hour; *provided, further*, that no person shall operate or drive a motor vehicle or other vehicle on any public highway at a greater rate of speed than fifteen miles an hour in approach-

Crossings and intersections.

ing any steam, electric or other railway crossing at grade, or in approaching or traversing an intersecting highway, or crossing or intersection of highways, or in approaching or going around corners or curves in the highway, when in any of the foregoing cases the operator's or driver's view of the road or railway traffic is obstructed, but anything to the contrary

herein notwithstanding, no person shall operate or drive a motor vehicle or other vehicle on any public highway at a greater rate of speed than ten miles an hour in traversing any steam, electric or other railway crossing at grade when the operator's or driver's view of the crossing or of any traffic on such railway within four hundred feet of such crossing is obstructed; *provided, further*, that the board of supervisors of any county and city and county within this state, and the board of trustees, city council or other governing body of every municipality within this state, within six months after the passage of this act, shall place and thereafter maintain warning signs on every public highway approaching a crossing at grade of such highway and the tracks of any railway, at a reasonable distance, not less than three hundred feet, from such crossing, and on either side thereof. Such sign shall consist of a metal disc twenty-four inches in diameter, the field enameled white, with an enameled black border line one inch wide, and with an enameled black vertical and horizontal cross-line two and one-half inches wide; the reverse side of such disc to be colored black. In each of the upper quarters shall appear in black enamel the letter "R," five inches high, three and three-quarter inches wide, lines one inch stroke. Anyone defacing, injuring, knocking down or removing any such sign shall be guilty of a misdemeanor; *provided, further*, that the maximum rate of speed over any bridge, dam, trestle, culvert, causeway or viaduct as well as the maximum rate of speed over any state highway or portion of state highway may be established by the state highway commission at less than the rate established by law, when in the judgment of said commission the safety of persons using the highway or the protection of the highway shall be promoted thereby, but whenever any such different rate of speed is so established by said commission, the commission shall cause to be erected suitable signs to mark the location and limits of the highway to which said different rate of speed shall apply, and such signs shall be placed at a distance of not less than one hundred feet or at a greater distance than one hundred fifty feet from the highway or portion of highway or from the approaches of any bridge, dam, trestle, culvert, causeway or viaduct with respect to which such different rate of speed may be so established. In the case of a bridge, dam, trestle, culvert, causeway or viaduct, such maximum rate of speed so established by said commission shall not be less than ten miles an hour, and in the case of any other highway or portion of highway, such maximum rate of speed so established shall not be less than fifteen miles an hour.

Signs at
railway
crossings.

Regulations
by highway
commission,
signs.

(b) No motor or other vehicle carrying a weight in excess of nine thousand pounds, including the vehicle, shall be operated, driven, drawn or otherwise moved on any public highway or bridge at a rate of speed greater than twenty-five miles an hour; no motor or other vehicle carrying a weight in excess of twelve thousand pounds, including the vehicle,

Speed
limit of
trucks.

Speed
limit of
trucks.

shall be operated, driven, drawn or otherwise moved on any public highway or bridge at a rate of speed greater than fifteen miles an hour; no motor or other vehicle carrying a weight in excess of twenty-four thousand pounds, including the vehicle, shall be operated, driven, drawn or otherwise moved on any public highway or bridge at a rate of speed greater than ten miles an hour; *provided, however*, that no motor vehicle or trailer equipped with tires made wholly or partly of metal shall be operated, driven, drawn or otherwise moved on any public highway or bridge at a rate of speed greater than six miles an hour; *provided, further*, that any such motor vehicle or trailer, with tires made wholly or partly of metal, may be operated, driven, drawn or otherwise moved, subject to the other provisions of this act, up to ten miles an hour, if it be equipped with springs and if the rear wheels be not less than forty-six inches in diameter, with a bearing surface of not less than eighteen inches; *and provided, further, however*, anything to the contrary herein notwithstanding, that no motor or other vehicle constructed or otherwise adapted for carrying loads weighing four tons or more, exclusive of such vehicle, shall be operated, driven, drawn or otherwise moved upon the public highway, whether laden or unladen, at a rate of speed exceeding fifteen miles an hour; *and provided, further*, that nothing contained in this subdivision shall apply to motor vehicles equipped with pneumatic tires.

Equipped
with
pneumatic
tires.

Arrests
for
speeding.

Place of
trial.

(c) In case of any person arrested for violation of the provisions of this section, unless such person shall demand that he be taken forthwith before the most accessible magistrate, the arresting officer shall take the name and address of such person and the number of his motor vehicle and notify him in writing to appear before a magistrate of the township in which the offense for which such person is arrested is alleged to have been committed at a time and place to be specified in such writing at least five days subsequent to the date of such notice upon the promise in writing of such person to appear at such time and place, such officer shall forthwith release him from custody. In the event that any person arrested for any violation of the provisions of this section, demands to be or is taken forthwith after his arrest before a magistrate he shall be entitled to at least five days continuance of his case within which time to prepare to plead or prepare for trial and he shall not be required to plead or to be tried within such five days unless he waives such time in writing or in open court; *provided*, that he promises in writing, after notice in writing of the time and place for his further appearance in court to appear at such time and place. Upon the giving of such written promise or, if he refuse to give such promise, on bail fixed by the magistrate he shall thereupon be forthwith released from custody. Any person wilfully violating such promise shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(d) Limitations as to the rate of speed herein fixed shall be exclusive of all other limitations fixed by any law of this state or any political subdivision thereof. Local authorities shall have no power to enact, enforce or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this act, or of any section or other subdivision thereof, and no such ordinance, rule or regulation of said local authorities heretofore or hereafter enacted shall have any force or effect, excepting, however, that (1) such powers as are now or may hereafter be vested in local authorities to enact ordinances and regulations, applicable equally and generally to all vehicles and other users of the highways, and providing for traffic or crossing officers or semaphores, to bring about the orderly passage of vehicles and other users of the public highways on certain portions thereof, where the traffic is heavy and continuous, as well as (2) the powers now or hereafter vested in local authorities to license and to regulate the operation of vehicles offered to the public for hire, and to regulate the use of the highways for processions or assemblages, shall remain in full force and effect, and all ordinances, rules and regulations which may have been or which may be hereafter enacted in pursuance of such powers, shall remain in full force and effect; *and provided, further*, that local authorities may by general rule, ordinance or regulation, exclude vehicles from any cemetery or ground used for the burial of the dead, or exclude vehicles used solely or principally for commercial purposes from any park or part of a park system where such general rule, ordinance, or regulation is applicable equally and generally to all other vehicles used for the same purpose; *provided*, that at the entrance, or at each entrance if there be more than one, to such cemetery or park from which vehicles are so excluded, there shall have been posted a sign plainly legible from the middle of the public highway on which such cemetery or park opens, plainly indicating such exclusion and prohibition; *and provided, further*, that the local authorities of any city, town, or city and county may impose additional restrictions to those herein contained applicable to vehicles exclusively used in the carrying of merchandise or articles of freight and of a capacity in excess of one ton in weight and may designate certain streets whereon heavy laden vehicles may be excluded or declared to be "one way" streets, may, further, restrict or prohibit, the use of trailers.

SEC. 14. Section twenty-four of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows: Stats 1917, p. 407.

Sec. 24. (a) It shall be unlawful for any person to operate or drive a motor vehicle upon the public highway unless licensed by the department as hereinafter provided; *provided, however*, that the requirements of this section shall not apply to the operators or drivers of any implements of husbandry temporarily drawn, propelled or moved on the public highway. Operator's and chauffeur's licenses.

Certificate.

Before operating a motor vehicle upon the public highway, application for a license to operate such vehicle shall be made by mail or otherwise to the department upon a blank to be prepared and furnished on request by said department. To each person shall be assigned some distinguishing number or mark and the department shall issue to the licensee a certificate in such form as the department shall determine; it shall contain the distinguishing number or mark assigned to the licensee, his name, age, place of residence, business address if any, and a brief description of the licensee for the purpose of identification, and such other information as the said department shall deem necessary. Every person licensed to operate motor vehicles as aforesaid, whether as chauffeur or operator, shall indorse his usual signature in the space on the license certificate provided for the purpose, immediately upon the receipt of said certificate and his license shall not be valid until the certificate is so indorsed. Licenses, to chauffeurs shall be valid during the calendar year only in which issued.

Chauffeur's badge.

Licenses issued to operators shall be valid until revoked. The department shall furnish to every chauffeur licensed a suitable metal badge with the distinguishing number assigned to him stamped thereon, without extra charge therefor, such badge to have stamped thereon the words "Registered Chauffeur No. -----, Cal." with the said license number and year of issue inserted therein. This badge shall thereafter be worn by such chauffeur, affixed to his clothing in a conspicuous place, at all times when he is operating or driving a motor vehicle upon the public highway, and the license certificate issued to each chauffeur or operator, under the provisions of this section, shall be carried by the licensee at all times when he is operating or driving a motor vehicle upon the public highway and shall be produced by him for inspection upon request of any peace officer. In case of the loss of such badge or certificate a duplicate will be issued by the department on the filing of an affidavit showing the fact of loss, and on payment of a fee of one dollar to the department in the case of a badge and fifty cents in case of a certificate. Duplicate license certificates shall be issued by the department to operators other than chauffeurs upon application therefor, whether in case of loss or otherwise, upon payment of a fee of twenty-five cents to the department. Applications for the annual renewal of licenses by chauffeurs shall be accompanied by the fee required by section seven of this act. No chauffeur's license or badge shall be issued to any applicant under the age of eighteen years; *provided*, that it shall be unlawful for any person to cause or knowingly to permit his or her child, ward or employee to operate or drive a motor vehicle upon the public highway, whether as a chauffeur or operator, without having first obtained such license as is hereinbefore specified; *provided*, that the application to the department of a minor to operate or drive a motor vehicle, whether as chauffeur or operator, shall not be granted by the department unless the parent or parents having the custody of

Minor's license.

such applicant or the guardian of such applicant shall have joined in said application by signing the same; *and provided, further*, that any negligence of a minor, so licensed, in operating or driving a motor vehicle upon the public highway, whether as chauffeur or operator, shall be imputed to the person or persons who shall have signed the application of such minor for said license, which person or persons shall be jointly and severally liable with such minor for any damages caused by such negligence.

SEC. 15. Section twenty-eight of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows: Stats. 1917,
p. 410.

Sec. 28. It shall be unlawful for any person to drive or operate, or cause to be driven or operated, upon the public highway any motor vehicle not his own, whether with or without intent to steal the same, in the absence of the owner thereof without such owner's consent; *provided*, such consent shall not be implied in any instance because of the fact that upon a previous occasion such owner had consented to the use of the same or another motor vehicle by such person. Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years. Using car
without
owner's
consent.

SEC. 16. Section thirty-two of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows: Stats. 1917,
p. 410.

Sec. 32. (a) Excepting as in this act otherwise provided, or where a different penalty is expressly fixed by this act, any person violating any of its provisions, or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in an application for the registration of a vehicle, or in an application for an operator's or chauffeur's license, shall be guilty of a misdemeanor, and upon conviction thereof, unless in this act otherwise provided, 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. General
penalties.

(b) Immediately upon receipt by the department of information concerning the conviction of any person for the violation of section seventeen of this act, or concerning the third conviction within one year of any person for the violation of any of the provisions of section twenty-two of this act, the department shall forthwith revoke the operator's or chauffeur's license issued to such person by the department and shall issue no operator's or chauffeur's license to any such person within one year thereafter. Revocation
of license.

Upon the suspension or revocation of any chauffeur's or operator's license, the department shall demand the surrender of the license certificate, and any duplicates thereof that may have been issued, and also the license badge, if any, and it shall be unlawful for any person whose license has been suspended or

Complaints
of reckless
driving.

Hearing.

revoked as herein provided to fail or neglect forthwith to surrender to the department any such certificates or badge in his possession or under his control. Upon receiving within one year verified written complaints made by one or more persons of two or more separate instances of reckless, negligent or unlawful operation of a vehicle on any public highway in this state by any person to whom the department has issued a valid unrevoked operator's or chauffeur's license the department may, in the discretion of the superintendent thereof, fix a time and place for a hearing to determine whether or not the operator's or chauffeur's license held by such person should be revoked on the ground that such person is an unfit person to be so licensed. The person so complained of shall be served with a written notice, at least ten days prior to the date of said hearing, to appear and show cause, at such hearing, why his license to operate a motor vehicle upon the public highways should not be suspended or revoked. Such hearing shall be held by the superintendent of the department or by any person or persons, not exceeding three, officers or employees of the department whom he may designate. If upon such hearing it is determined that there is good and sufficient reason therefor findings and an order shall be made by the superintendent or by the person or persons holding such hearing on his behalf to the effect that such license should be revoked. The department shall thereupon cause such person's license as an operator or chauffeur to be forthwith revoked if the findings hereinbefore provided for show or declare that such operator or chauffeur is a reckless or negligent driver or that he is incompetent or unfit to operate a motor vehicle because of mental or physical infirmities or disabilities.

If in any case the respondent shall fail to appear at the time and place fixed for any such hearing as is provided in this section, he shall be in default, and if in the opinion of the superintendent or of the person or persons holding such hearing on his behalf, there is sufficient reason therefor, the license of the respondent may be ordered revoked or suspended, whereupon the department shall upon notice of such order, revoke or suspend, as the case may be, such license.

The superintendent or the person or persons holding such hearing may summon witnesses in behalf of the state and may administer oaths and take testimony, may cause depositions to be taken, and may order the production of books, papers, agreements and documents.

The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court, and shall be paid by the state upon demand by the department filed with the controller.

The supreme court, any district court of appeal or any superior court shall have jurisdiction, upon the application, to enforce all lawful orders of the department under this section.

(c) In addition to any or all other punishments provided in this act and imposed by the court upon any person for violation of any of the provisions of this act, the court may, in its discretion, suspend an operator's or chauffeur's license for a period of not to exceed thirty days, in which case the court shall take up the license certificate of such person together with, in case of a chauffeur, the license badge, and shall forward them to the department.

Suspension
of license
by court.

(d) Upon the expiration of the period of suspension of any license as hereinbefore in this section provided for, the department shall return to the licensee his license certificate, or in its discretion may issue to him a new certificate, and such license shall be valid for the remainder of the current calendar year, subject to the other provisions of this act; and in like manner the department shall return to any chauffeur whose license badge may have been forwarded to the department upon suspension of his license, such license badge or issue to such licensee a new badge.

Return of
license.

SEC. 17. Section thirty-four of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows:

Stats. 1917,
p. 412.

Sec. 34. There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." All moneys received by the department under any of the provisions of this act must be paid into the state treasury within twenty-four hours after the receipt thereof and shall be deposited to the credit of the motor vehicle fund, but if at any time such payment can not be made because of the intervention of a Sunday or a holiday, then such money shall be paid into the state treasury before twelve o'clock noon of the first business day following such Sunday or holiday; *provided, however,* that there is also hereby created in the state treasury a fund which shall be known as the "transfer and operators' license fund," and the moneys received by the department for transfers and for operators' and chauffeurs' licenses shall not be credited to the motor vehicle fund but to the credit of said transfer and operators' license fund. One-half of the net receipts under this act except those credited to the transfer and operators' license fund shall be paid from the motor vehicle fund to the counties from which the moneys were received, as determined by the places of residence of the persons to whom the registration certificates are issued, and all such amounts so returned shall be paid into the road funds of the several counties receiving the same, and shall be expended by such counties exclusively in the construction and maintenance of roads, bridges and culverts in said counties respectively. In the event that any county has not established a road fund, its proportion of said net receipts shall be retained by the state until provision for such road fund has been made, and it shall then be paid over. In the months of February and August of each year the department shall make to the controller a report setting forth the gross and net receipts for the preceding six

Motor
vehicle
fund.

Transfer
and
operators'
license
fund.

Payments
to counties.

Payments
to counties.

State
highway
expenditure.

months, and thereafter the controller shall draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled; *provided, nevertheless*, that the controller shall not draw such warrant in favor of any county which theretofore shall not have established a road fund or which shall be delinquent in its annual report to the state department of engineering as hereinafter required. Of the moneys in said motor vehicle fund, when such action has been authorized by the board of control, the department may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate ten thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year, or at any other time upon demand of the board of control, the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. All moneys remaining in the motor vehicle fund after the expenditure herein authorized, in addition to all sums that have been heretofore or that may be appropriated hereafter by the legislature for the same purpose, shall be expended under the direction of the state department of engineering for the maintenance and improvement of the state roads and highways under the jurisdiction of said department of engineering, and for the maintenance and improvement of roads and highways in state parks subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be so drawn from said motor vehicle fund for the purpose of such maintenance and improvement upon warrants executed by the state controller upon demand made by the state department of engineering, and allowed and audited by the board of control. The transfer and operators' license fund and so much of the motor vehicle fund as may be necessary is hereby appropriated to be expended by the department in carrying out the provisions of this act; *provided, however*, that there shall not be so expended out of the motor vehicle fund in any one year more than ten per cent of said fund; *and provided, further*, that the board of supervisors of each county in the state shall make an annual report to the state department of engineering not later than three months after the close of the county's fiscal year, upon forms to be provided by the state department of engineering, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department of engineering the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance; *and provided, further*, that whenever said report shall not have been duly filed in the manner and form hereby provided at or before the time hereinbefore specified, no further warrants

shall be drawn upon the motor vehicle fund in favor of the county treasurer of such delinquent county until said report has been furnished.

SEC. 18. Section thirty-six of said act approved May 10, 1915, amended as aforesaid, is hereby amended to read as follows: Stats. 1915, p. 416.

Sec. 36. A full record shall be kept by every justice of the peace or police judge or court in this state of every case in which a person is charged with violation of any provision of this act, and an abstract of such record shall be sent forthwith by the justice of the peace, or police judge or court to the clerk of the county in which the justice of the peace, police judge, or other magistrate holds his court, whereupon said clerk shall forward said abstract to the department. Said abstracts shall be made upon forms prepared by the department and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture as the case may be, and every such abstract shall be certified by the justice of the peace, police judge or clerk of such police court as a true abstract of the record of the court. Each clerk of any court of record of this state shall also, within ten days after any final judgment of conviction of any violation of any of the provisions of this act, send to the department a certified copy of such judgment of conviction, together with any other information concerning said conviction required by said department. The said department shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours. Record of cases by court.

Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

SEC. 19. Section thirty-seven of said act approved May 10, 1915, as amended as aforesaid, is hereby amended to read as follows: Stats. 1915, p. 416.

Sec. 37. There is hereby created a department to be known as the motor vehicle department of California. The chief officer shall be known as the superintendent, who shall be a civil executive officer and shall be appointed by the governor and shall hold office at the pleasure of the governor. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state and execute to the people of the state a bond in the penal sum of ten thousand dollars. He shall receive an annual salary of three thousand six hundred dollars to be paid monthly upon warrant of the controller. He shall have the power to appoint one chief clerk, who shall be a civil executive officer; one cashier, and, with the approval of the board of control, such additional employees as the proper and economical conduct of the business of the department may demand, and shall fix and prescribe their duties, compensation and term of employment; *provided*, that such Motor vehicle department.

Inspectors. employees shall include field deputies or inspectors, upon whom are hereby conferred, for the purposes of the enforcement of this act, the powers now or hereafter vested by law in peace officers, and who may exercise said powers in any portion of the state or of any political subdivision thereof, but solely in the enforcement of the provisions of this act. The cashier shall execute to the people of the state a bond in the penal sum of five thousand dollars. The salaries herein provided for shall be payable monthly, and the expenditures authorized by this act, shall be made upon the certificate of the superintendent of the department, allowed and audited by the board of control, and the warrant of the state controller.

**Distribution
of act
and
synopsis.**

There shall be printed fifty thousand copies of the vehicle act, as amended by this act, which shall be distributed to the public on request, without charge by the department, and in addition thereto a synopsis of said act as amended shall be prepared and printed by the motor vehicle department, and distributed free of charge to each person who shall obtain a vehicle license, or who shall receive a transfer of a vehicle license under the provisions hereof. Such copies shall be transmitted together with the certificate of registration or transfer.

**When in
effect.**

SEC. 20. Each and all of the provisions of this act except sections one, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen and eighteen, together with such provisions of section nineteen of this act as relate to the salaries of officers and employees of the department, and such other provisions of this act as relate to or require the preparation or purchase of forms and supplies and other work incident to the registration of motor vehicles and trailers and the licensing of operators and chauffeurs, shall go into effect at midnight on the thirty-first day of January in the year 1920.

Constitutionality.

SEC. 21. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealed.

SEC. 22. All acts or parts of acts in any ways in conflict herewith are hereby expressly repealed.

CHAPTER 148.

An act to amend section two of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two of an act of the people of the State of California entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, is hereby amended so as to read as follows:

Stats. 1917.
p. 873.

Sec. 2. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and in the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context:

Words
defined.

1. The word "department" means the "state corporation department" created by this act.

2. The word "commissioner" means the "commissioner of corporations."

3. The word "company" includes all domestic and foreign, private corporations, associations, joint stock companies, and partnerships, of every kind, and also trustees, as hereinafter defined; excepting therefrom:

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of the congress of the United States;

(b) All public utilities subject to the jurisdiction, control, and regulation of the railroad commission of this state;

(c) All corporations now or hereafter organized under the laws of this state for the purpose of conducting the business of banking within this state and all corporations transacting insurance business within this state;

"Company."

(d) All corporations, associations, or societies transacting business under the supervision, examination, and license of the bureau of building and loan supervision; and

(e) Every corporation organized under the laws of this state exclusively for the purposes provided in any of the following titles, to wit: XIa, XII, XIIa, XIV, XXI, XXII, of Part IV, Division First, of the Civil Code, and in accordance with the provisions of such titles.

"Trust."

4. The word "trust" as used in this act includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing, other than a will or a judicial writ, order, decree, or judgment, to carry on any business or to secure the payment or repayment of money.

5. The word "trustee," except as hereinafter used in subdivision nine of this section, includes only persons or companies executing trusts as hereinbefore defined.

"Security."

6. The word "security" includes:

(a) All shares or other interests or rights into which the capital, capital stock, or property of companies or rights of stockholders or members thereof are divided, including all treasury shares and shares of their own capital stock purchased or otherwise acquired by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests, or rights;

(b) All bonds, debentures, and evidences of indebtedness issued by any company; and

(c) Any instrument issued or offered to the public by any company, evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit; excepting therefrom the following:

(1) Bills of exchange and promissory notes not offered to the public by the drawer, maker, or underwriter thereof, and all mortgages and deeds of trust of property situated in this state, executed to secure the payment thereof; and

(2) Any security listed in any standard manual of information, as to which the commissioner shall first make and file his written finding to the effect that such security is fully and accurately described in such manual and that a sale thereof will not, in his opinion, work a fraud upon the purchaser thereof; *provided*, that if such finding shall thereafter be vacated or set aside, such security shall not thereafter be deemed to be included within this exception.

"Sale."

7. A "sale," within the meaning of this act, includes every contract by which, for a pecuniary consideration, called a price, one transfers to another an interest in property, and also an exchange, a pledge, a hypothecation, and any transfer in trust or otherwise as security for the performance of an obligation, and also any issue of any security by a company;

and the word "sell," as used in this act, includes every act by which such sale is made.

8. The word "agent" as used in this act means and includes "Agent." every person or company employed or appointed by a company or a broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of, or take subscriptions for any security of any company of its own issue offered for sale by it.

9. The word "broker" as used in this act includes every "Broker." person or company, other than an agent, who shall, in this state, engage, either wholly or in part, in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security or securities issued by others, or of underwriting any issue of securities or of purchasing such securities with the purpose of reselling them or of offering them for sale to the public for a commission or at a profit; excepting therefrom the following:

(a) Any owner of any security who is not the issuer or an underwriter thereof, who sells or exchanges the same for his own account; *provided*, that such sale or exchange is not made in the course of repeated and successive transactions of like or similar character by him;

(b) Any trustee of a trust created by or declared in a will or a judicial writ, order, decree or judgment, who, in such capacity, lawfully disposes of any property;

(c) Any company transacting a banking or insurance business in this state, selling a security for an owner thereof or a broker, other than an underwriter thereof, at a commission of not more than two per cent of the par or face value thereof; *provided*, such sale is not made in the course of repeated and successive transactions of like or similar character by such company;

(d) One, not the issuer, who disposes of securities to a broker or to a purchaser who, as a part of his regular business, purchases such securities;

(e) Any pledge holder selling, in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him as security for a bona fide debt.

10. The words "actual fraud," as used in this act, are "Actual fraud." defined in section one thousand five hundred seventy-two of the Civil Code.

CHAPTER 149.

An act to amend section eighteen of an act entitled "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, and repealing all acts and parts of acts inconsistent herewith.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Stats. 1905
p. 210.

SECTION 1. Section eighteen of an act entitled "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, and repealing all acts and parts of acts inconsistent herewith, is hereby amended to read as follows:

Civil
liability
for forest
fires.

Sec. 18. In addition to the penalties provided in sections fourteen, fifteen, sixteen and seventeen of this act, the United States, state, county, or private owners, whose property is injured or destroyed by such fires may recover in a civil action, double the amount of damages suffered if the fires occurred through wilfulness, malice or negligence; but if such fires were caused or escaped accidentally or unavoidably, civil action shall lie only for the actual damage sustained as determined by the value of the property injured or destroyed, and the detriment to the land and vegetation thereof. The presumption of wilfulness, malice or neglect shall be overcome; *provided*, that the precautions set forth are observed; *or, provided*, fires are set during the "dry season" with written permission of and under the direction of the district firewarden. Persons or corporations causing fires by violations of this act shall be liable to the United States, state, county, or private owners in action for debt to the full amount of all expenses incurred by the United States, state, county or private owners in fighting such fires.

Repealed.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 150.

An act to amend section four hundred eighty-seven of the Penal Code, defining grand larceny.

[Approved May 2, 1919. In effect July 22, 1919.]

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

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

487. Grand larceny is larceny committed in either of the following cases: Grand larceny defined.

1. When the property taken is of a value exceeding fifty dollars.

2. When the property is taken from the person of another.

3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, jenny, sheep, or lamb.

CHAPTER 151.

An act to authorize the transfer and expenditure of the excess of school building funds in certain cases.

[Approved May 3, 1919. In effect immediately.]

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

SECTION 1. Whenever the average daily attendance of pupils for the first half of the fiscal year 1918-19, in any school district in this state, shows an increase of more than one hundred per cent over the increase in average daily attendance of the fiscal year 1917-18, and it appears that the income and revenue provided for such district for the fiscal year ending June 30, 1919, will be insufficient to defray the usual current expenses of such district until such date, and there remains in the building fund of such district, created and existing under the provisions of section one thousand eight hundred thirty-eight of the Political Code, any moneys which, by reason of war-time building restrictions imposed by federal authority, or by reason of the present excessive cost of building construction resulting from war conditions, have not been expended, and which in the judgment of two-thirds or more of the board of trustees or board of education of such school district can not be expended to the economic advantage of such school district during the school year beginning July 1, 1919, such board may, by resolution endorsed upon its minutes and adopted by the affirmative votes of not less than two-thirds of all its members, declare such moneys, or any part thereof, to be surplus moneys of such fund, and may, by a like vote, transfer such moneys or any part Transfer of school building fund to general fund authorized.

thereof, from such building fund to the general fund of the district, and may, thereafter, expend the amount so transferred, or so much thereof as may be necessary, in payment of the usual current expenses of such district incurred during the school year, ending with the said thirtieth day of June, 1919.

SEC. 2. This act, being an act to provide for the payment of the usual current expenses of the state, shall take effect immediately.

CHAPTER 152.

An act to amend section four thousand one hundred thirty-one of the Political Code, relating to instruments to be recorded by county recorders.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

What to be recorded.

4131. He must, upon the payment of his fees for the same, record, separately, in a fair hand, or typewriting, in large well-bound separate books, either sewed books or an insertable leaf, which when placed in the book can not be removed:

(a) 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.

(b) Mortgages of personal property.

(c) Certificates of marriage and marriage contracts.

(d) Wills admitted to probate.

(e) Official bonds.

(f) Notices of mechanic's liens.

(g) Transcripts of judgments, which by law are made liens upon real estate in this state.

(h) Notices of attachments upon real estate.

(i) Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

(j) Instruments describing or relating to the separate property of married women.

(k) Notices of pre-emption claims.

(l) Births and deaths.

(m) Certified copies of decrees and judgments of courts of record; and

(n) Such other writings as are required or permitted by law to be recorded.

In lieu of any or all of the separate books above provided for, the recorder may, in his discretion, record any or all of the above instruments in one general series of books to be

called "official records," which books shall be numbered consecutively beginning with number one. The recording of instruments in such "official records" will impart notice in like manner and effect as if such instruments were recorded in any of the separate books hereinbefore provided for.

CHAPTER 153.

An act to amend section eleven of an act entitled "An act to authorize municipal corporations with the consent of original dedicators to abandon parks and sell and convey the lands embraced therein and reinvest the proceeds from the sale thereof in the purchase of other public grounds," approved May 27, 1915.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section eleven of the act entitled "An act to authorize municipal corporations with the consent of original dedicators to abandon parks and sell and convey the land embraced therein and reinvest the proceeds from the sale thereof in the purchase of other public grounds," approved May 27, 1915, is hereby amended to read as follows:

Stats. 1915,
p. 1251.

Sec. 11. The board of trustees may order said land sold en masse or in lots or parcels, for cash or on credit, not exceeding four years, payable in gross or in installments, as the board of trustees may deem to be most advantageous to the city; *provided, however,* that deferred payments shall bear a rate of interest of seven per cent per annum; they shall determine when and at what price and on what terms said land, or any part thereof shall be sold; and when authorized by a majority vote of the board of said trustees, the president and clerk shall sign, acknowledge and deliver a deed to said land, or any part thereof, in the name and under the seal of said municipal corporation and such deed when so signed, acknowledged and delivered shall convey to the purchaser thereof the title in fee to the land described in said deed.

Details
of sale.

CHAPTER 154.

An act to amend section four hundred seventy-six a of the Penal Code, relating to the issuing of checks or drafts with intent to defraud.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section four hundred seventy-six a of the Penal Code is hereby amended to read as follows:

Penalty
for issuing
bank check
with intent
to defraud.

476a. Every person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers to another person any check or draft on a bank, banker or depository for the payment of money, knowing at the time of such making, drawing, uttering or delivery, that he or his principal or the corporation of which he is an officer has not sufficient funds in, or credit with such bank, banker or depository, to meet such check or draft in full upon its presentation, is punishable by imprisonment in the county jail for not more than one year or in the state prison for not more than fourteen years. The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank or depository for the payment of such check or draft.

CHAPTER 155.

An act to add a new section to the Political Code to be numbered four thousand two hundred ninety-two a, providing for the deposit of trust moneys in the county treasury and prescribing the manner in which withdrawals thereof shall be made.

[Approved May 2, 1919. In effect July 22, 1919.]

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

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

Deposit and
withdrawal
of trust
moneys.

4292a. Every officer of the several counties and townships of this state must, on the certificate of the auditor immediately deposit in the county treasury all trust moneys officially coming into his possession. Such trust moneys so deposited shall be withdrawn only on a warrant issued by the county auditor, drawn on an order of the court into which the money was paid, or upon requisition of the officer depositing the same in instances where there are no court proceedings.

CHAPTER 156.

An act to repeal an act entitled "An act to re-establish 'court-house school district' in the county of Sonoma," approved March 30, 1878.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. An act entitled "An act to re-establish 'court-house school district' in the county of Sonoma," approved March 30, 1878, is hereby repealed.

CHAPTER 157.

An act to amend section eight hundred ninety-nine of the Code of Civil Procedure, relating to the docketing of judgments.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

899. From the time of docketing in the county clerk's office execution may be issued thereon by the county clerk to the sheriff of any county of the state, other than the county in which the judgment was rendered in the same manner and with like effect as if issued upon a judgment of the superior court. Upon the return of the execution, the county clerk shall cause the same to be filed with the justice of the peace who issued the abstract of judgment.

Docketing of judgments.

CHAPTER 158.

An act to add a new section to the Political Code to be numbered four thousand two hundred thirty-three a, relating to mileage and per diem of grand and trial jurors in counties of the fourth class.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-three a, and to read as follows:

4233a. In counties of the fourth class, trial jurors in all criminal cases tried in the superior court and grand jurors, shall receive three dollars per day for each day's attend-

Counties of fourth class: fees of jurors.

ance while engaged in the performance of the duties required of them, and in addition thereto, shall receive for each mile actually traveled, in going only, while acting as such juror, fifteen cents: and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 159.

An act to add a new section to the Penal Code to be numbered one thousand two hundred ninety-eight, relative to the deposit of bonds of the United States and of the State of California as bail in lieu of cash.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered one thousand two hundred ninety-eight and to read as follows:

Deposit of
United
States and
state bonds
as bail.

1298. In lieu of a deposit of money, the defendant may deposit bonds of the United States or of the State of California of the face value of the cash deposit required, and such bonds shall be treated in the same manner as a deposit of money except that the clerk shall, under order of the court, when occasion arises therefor, sell the said bonds and apply the proceeds of such sale in the manner that a deposit of cash may be required to be applied.

CHAPTER 160.

An act to amend section five hundred thirty-seven of the Penal Code, relating to fraudulent practices upon keepers of hotels, inns, restaurants, boarding houses, lodging houses, or furnished apartment houses.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. Section five hundred thirty-seven of the Penal Code is hereby amended to read as follows:

Defrauding
keepers,
etc.

537. Any person who obtains any food or accommodation at an hotel, inn, restaurant, boarding house, lodging house, or furnished apartment house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boarding house,

lodging house, or furnished apartment house by the use of any false pretense, or who, after obtaining credit, food or accommodation at an hotel, inn, restaurant, boarding house, lodging house, or furnished apartment house absconds or surreptitiously removes his baggage therefrom without paying for his food or accommodations is guilty of a misdemeanor.

CHAPTER 161.

An act to amend 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, as amended, by amending sections three and sixteen thereof.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three 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, as amended, is hereby amended to read as follows:

Sec. 3. The standard of purity of food and liquor shall be that published in circular number nineteen, the food inspection decisions and the service and regulatory announcements of the bureau of chemistry of the United States department of agriculture. Nothing in this section contained shall authorize or permit any adulteration of any food or liquor because the standard of purity of such food or liquor shall not be proclaimed by the secretary of the United States department of agriculture. Stats. 1917, p. 1641. Standard of purity.

Sec. 2. Section sixteen of said act is hereby amended to read as follows: Stats. 1907, p. 212.

Sec. 16. When an examination or analysis of the directors of the state laboratory shows that any provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guarantee, as provided in this act, and a day shall be fixed by the secretary of the state board of health, at which said parties may be heard before the state board of health, or before any two members thereof and the secretary. The hearing shall be held at such place as the state board of health or its secretary may designate, and at least fifteen days notice Hearing for violation of act.

Conduct of
hearings.

thereof shall be served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly given as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

CHAPTER 162.

An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the state board of health; to provide that the state board of health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Certificates
for trained
attendants
for sick.

SECTION 1. The state board of health is hereby authorized to issue certificates to applicants to care for the sick as trained attendants and to formulate and issue rules and regulations from time to time as may be necessary for the proper conduct of the care of the sick by a trained attendant; to establish centers of training for trained attendants; to prescribe the course of instruction and length thereof, and to provide for an examination before a license may be issued.

Qualifi-
cations.

SEC. 2. Any person applying for the certificate as trained attendant shall be at least eighteen years of age, of good moral character, and, after one year from the passage of this act, shall have had not less than one year's practical experience in the care of the sick in a reputable hospital or sanatorium, connected with a school for trained attendants, and systematic instruction in the following subjects, namely: anatomy and physiology, hygiene, diet for the sick, nursing care of the sick, including children and the aged, and obstetrics.

SEC. 3. Provided that any person engaged in the practice of the care of the sick as a business or for hire as an attendant, practical or undergraduate nurse, or in any capacity other than a registered nurse, may be granted a certificate as a trained attendant without taking an examination, provided such application shall be made within one year of the passage of the act and that such application shall be accompanied by credentials of character and show extent of training and experience, and a license fee of five dollars.

Persons now engaged in practice.

SEC. 4. On or after one year following the passage of the act all applicants for certificate as trained attendants shall be required to pass an examination, the fee for which will be five dollars and will in no case be returned to the applicant. Said examination will be practical in character and designed to ascertain the applicant's fitness to practice her calling, and will be conducted by a committee of three examiners appointed by the board and under such rules and regulations as may be prescribed by said board, and shall be held at least every six months. Due notice of said examination shall be published in not less than three daily papers of the state. The subjects on which applicants will be examined are elementary anatomy and physiology, hygiene, diet for the sick, nursing methods in the care of the sick, including children and aged people, obstetrics. The board shall issue to each applicant successfully passing this examination a certificate as provided for in this act.

Examination.

SEC. 5. All persons who have been duly licensed in accordance with the provisions of this act shall be known and styled as trained attendants and may use the words "trained attendant" after their names.

Title.

SEC. 6. Any person who shall wilfully make any false representation or who shall impersonate any other person or permit or aid in any manner any person to impersonate her in connection with any examination or application, shall be guilty of a misdemeanor. It shall be unlawful for any person to advertise as, or assume the title of trained attendant, or to use the words "trained attendant" after her name, or any other words, letters or figures to indicate that the person using the same is a trained attendant, or to impersonate in any manner or pretend to be a trained attendant.

Penalty for false representation, etc.

SEC. 7. The board shall have the power to revoke a license to any person for gross incompetency, dishonesty, addiction to the use of alcohol or narcotic drugs, or for any habit rendering him or her unsafe or unfit to care for the sick. Before revocation, notice of such charges shall be sent to the defendant with opportunity to appear in his or her own defense.

Revocation of license.

SEC. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction be liable to a fine of not less than ten dollars or more than one hundred dollars for the first offense, and not less than twenty dollars or more than two hundred dollars for each subsequent offense.

Penalty for violating act.

Accounts,
collections,
etc.

SEC. 9. All accounts, collections and fines made under the provisions of this act shall be paid into the state treasury and shall be placed to the credit of the traveling and contingent fund of the state board of health.

Repealed.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAPTER 163.

An act to amend section one thousand two hundred seven of the Civil Code, relating to defectively acknowledged instruments.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand two hundred seven of the Civil Code is hereby amended to read as follows:

Defectively
acknowledged
deeds, etc.,
validated.

1207. Any instrument affecting the title to real property, including any instrument executed by a married woman on or after the first day of July, 1891, which was, previous to the first day of January, 1919, copied into the proper book of record, kept in the office of any county recorder, imparts, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or encumbrancers previous to the taking effect of this act. 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.

CHAPTER 164.

An act to amend sections one, two, four, five and six of an act entitled "An act regulating the sanitation and ventilation in and at camps where five or more persons are employed; and providing a penalty for the violation thereof," approved May 29, 1913, as amended.

[Approved May 5, 1919. In effect July 22, 1919.]

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

Stats. 1913,
p. 497.

SECTION 1. Section one of an act entitled "An act regulating the sanitation and ventilation in and at camps where five or more persons are employed; and providing a penalty

for the violation thereof," approved May 29, 1913, as amended, is hereby amended to read as follows:

Section 1. In or at any camp where five or more persons are employed, bunk houses, tents or other suitable sleeping places must be provided for all the employes. Such bunk houses, tents or other sleeping places must be in good structural condition, and so constructed as to provide shelter to the occupants against the elements and so as to exclude dampness in inclement weather. The bunk houses, tents and other sleeping places shall be kept in a cleanly state, and free from vermin and matter of an infectious and contagious nature, and the grounds around such bunk houses, tents or other sleeping places shall be kept clean and free from accumulations of dirt, filth, garbage, and other deleterious matter.

Camps to be kept clean.

SEC. 2. Section two of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

Stats. 1915, p. 497.

Sec. 2. Every bunk house, tent or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp, shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunk house, tent or other sleeping place. Suitable bunks or beds shall be provided for all employes. Such bunks or beds shall be made of steel, canvas or other sanitary material, and shall be so constructed as to afford reasonable comfort to the persons occupying the same.

Air space in bunk house.

Bunks.

SEC. 3. Section four of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

Stats. 1915, p. 498.

Sec. 4. For every such camp there shall be provided convenient and suitable bathing facilities of a reasonable nature to suit conditions, which shall be kept in a clean and sanitary condition. For every such camp there shall be provided convenient and suitable privy or other toilet facilities, which shall be kept in a clean and sanitary state. A privy other than a water-closet shall consist of a pit at least two feet deep, with suitable shelter over the same, and the openings of the shelter and pit shall be enclosed by screening or other suitable fly netting. No privy pit shall be filled with excreta to nearer than one foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime or other similar substance.

Bathing facilities.

Toilet facilities.

SEC. 4. Section five of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

Stats. 1915, p. 498.

Sec. 5. All garbage, kitchen wastes and other rubbish in such camp shall be deposited in suitable covered receptacles which shall be emptied daily or oftener if necessary, and the contents burned, buried or otherwise disposed of in such a way as not to be or become offensive or insanitary. All drainage from the kitchen sink shall be carried through a covered drain to a covered cesspool or septic tank or otherwise disposed of in such a way as not to become offensive or insanitary.

Garbage disposal.

Stats. 1915,
p. 498.

SEC. 5. Section six of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

Duty of
employees.

SEC. 6. It shall be the duty of any person, firm, corporation, agent or officer of a firm or corporation employing persons to work in or at camps to which the provisions of this act apply and the superintendent or overseer in charge of the work in or at such camps to carry out the provisions of this act. At every such camp such owner, superintendent or overseer shall appoint a responsible person to assist in keeping the camp clean.

CHAPTER 165.

An act to establish an institution for the confinement, care and reformation of delinquent women, to provide for its maintenance, conduct and government, to provide for commitment and admission thereto, and to make an appropriation therefor.

[Approved May 3, 1919. In effect in part July 22, 1919; see section 19.]

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

California
industrial
farm for
women.

SECTION 1. There shall be established within this state an institution for the confinement, care and reformation of delinquent women, to be known as the California industrial farm for women.

Purpose.

SEC. 2. The purpose of said institution shall be to provide custody, care, protection, industrial and other training and reformatory help for delinquent women.

Board of
trustees.

SEC. 3. Said institution shall be under the management and control of a board of trustees of five members appointed by the governor, three of whom shall be women. The terms of office of said trustees shall be five years each; *provided*, that the terms of office of those first appointed shall be one, two, three, four and five years, respectively, and the governor in making such appointments shall indicate the respective terms for which the appointments are made.

Oath.

Before entering upon the discharge of their duties, the trustees shall take an oath in writing to faithfully discharge the same.

Expenses.

The members of the board of trustees shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.

Duties of
board.

SEC. 4. The duties of said board of trustees shall be:

(a) To organize itself, adopt general rules for the holding of its meetings and the transaction of its business, and for the administration and conduct of the institution.

Select site:

(b) To select, purchase and procure with all reasonable dispatch a suitable site of not less than two hundred acres, with the necessary appurtenances, for said institution. Such

site shall be of such character as to afford ample opportunity for agricultural work and training to those committed to the institution. If there be already owned by the state land suitable for such site or as a part thereof, and not used, or in the opinion of the state board of control not necessary for use by the state for another purpose, such land may be appropriated by the board of trustees with the consent of the state board of control as the site, or part of the site, of said institution.

(c) To construct and equip in connection with or appurtenant to the site so procured or appropriated the buildings, improvements and plant necessary for the accomplishment by said institution of the purposes for which it is established.

Construct buildings.

The board of trustees are authorized, if they deem it advisable, pending the construction of the permanent buildings, improvements and plant, to construct and equip temporary accommodations and to commence and carry on the work of the institution.

Temporary accommodations.

(d) To conduct, supervise and administer the institution for the purposes for which it is established, together with the right to possess, control and administer any and all property given or appropriated to or for the benefit of said institution, either by way of endowment, public or private, or otherwise.

(e) The board of trustees shall employ a skilled superintendent, who shall be a woman, not one of their number, and who shall reside at and have the immediate charge and management of the institution, subject to the control and supervision of the board of trustees. The board shall authorize the employment of such other assistants, officers or employees as may be necessary.

Superintendent.

(f) The board of trustees shall report biennially to the governor.

Report to governor.

SEC. 5. The board of trustees shall meet at said institution in regular session once a month and in special session as they may deem necessary, and the office of any member who is absent from two consecutive regular sessions, or from more than three regular sessions, in the course of any calendar year, shall, unless such absences are excused by the governor in writing, filed with the board, ipso facto become vacant.

Meetings.

SEC. 6. The superintendent shall give a bond to the state in such sum as may be prescribed by the board of trustees, but not less than ten thousand dollars, conditioned upon the faithful discharge by her of her duties.

Bond of superintendent.

SEC. 7. All regularly employed assistants, officers and employees, whose duties bring them in contact with the inmates of the institution, shall be women as far as practicable.

Women assistants.

SEC. 8. (a) When any woman, eighteen years of age or over is found guilty by any court within this state of prostitution, soliciting for prostitution, keeping a house of ill fame or residing in such house, frequenting any dance hall, hotel, rooming house, or other public place, for the purpose of prostitution, or of vagrancy because of being a common prostitute

Commitment to institution.

or a common drunkard, she shall in lieu of any other sentence or disposition provided by law, be committed by the court in which she is so found guilty to said institution for an indeterminate period of not less than six months nor more than five years.

Admission refused, w.en.

(b) The said board of trustees shall not be required to receive for admission any woman committed to said institution, if, in its opinion the accommodations at said institution or the state of its finances is such as not to justify her reception.

Transfer from pena or reformatory institution.

SEC. 9. Any woman, eighteen years of age or over, confined under sentence or commitment in any penal or reformatory institution or prison within this state, may be transferred therefrom for the serving of her sentence or the term of her commitment, or the balance thereof, to the said institution, with the consent of the trustees thereof, by order of the governing official or board of officials of the institution or prison in which she is confined.

Admission on request of woman.

SEC. 10. Any woman, eighteen years of age or over, may, upon her written request, be admitted to said institution by the board of trustees thereof if it believes that she is or is in danger of becoming a prostitute, common drunkard, or a criminal. Such person shall be discharged by order of the trustees at any time upon her written request therefor in writing, unless she has been adjudged to be feeble-minded, as hereinafter provided.

Delivery to institution.

SEC. 11. Upon the commitment or transfer of any woman to said institution under the preceding sections it shall be the duty of the officer having custody of her, or required to take custody of her, to deliver her to said institution, receiving therefor the fees payable for the transportation of prisoners to the state prison. Such officer shall at the same time deliver to said institution a certified copy of the judgment of conviction and of the order of commitment or order of transfer.

Woman attendant.

Every woman so committed or transferred under this act shall be accompanied by a woman attendant from the place of commitment or transfer until delivered to the institution.

Care of children.

SEC. 12. If any woman received by or admitted to the institution have a child under two years of age, or gives birth to a child while an inmate of said institution, such child may be admitted to and retained in the institution until it reaches the age of two years, at which time the board of trustees may arrange for its care elsewhere; *and provided*, that at their discretion in exceptional cases the board of trustees may retain such child for a longer period of time.

History of inmates.

SEC. 13. There shall be kept at the institution a record of the history and progress of every woman received by it during the period she is under its control and, so far as, practically possible, prior and subsequent thereto, and all judges, court officials and employees, district attorneys, sheriffs, chiefs of police and peace officers shall furnish such institution with all data in their possession or knowledge relative to any inmate that said institution may request. If upon the arrest of any

woman it be discovered that she was theretofore an inmate of said institution, it shall be promptly notified of her arrest.

SEC. 14. (a) Every woman received by said institution shall be examined mentally and physically and shall, if retained by said institution, be given the care, treatment and training adapted to her particular condition. Such care, treatment and training shall be along the lines best suited to develop her mentality, character and industrial capacity to a point where she can be honorably discharged from the institution with reasonable safety and benefit to herself and to the public at large. Upon her reaching such point, in the judgment of the board of trustees, she shall be honorably discharged from the institution, unless she has been transferred to it under section ten hereof and has not fully served her sentence, in which case she shall be recommended by the board of trustees to the governor of the state for pardon.

Examination
and training.

Discharge.

(b) If any woman, upon her admission to said institution and examination and observation thereat, is found by the board of trustees thereof to be feeble-minded or moron within the meaning of section sixteen of the act of the legislature of the State of California approved June 1, 1917, creating an institution to be known as the Pacific Colony, such board of trustees may institute proceedings to have such person adjudged to be feeble-minded, and in case of such adjudication shall thereafter have the custody and control over her as a feeble-minded person until discharged or transferred from said institution. The proceedings for the adjudication of any such person as feeble-minded shall conform to those provided in that behalf by said act creating the Pacific Colony. Any such person so adjudicated to be feeble-minded may, by order of the board of trustees of said institution, be transferred to said Pacific Colony or other institution provided by the state for the care of the feeble-minded, with the consent of the governing board of such latter institution and upon such transfer such governing board shall have the same authority and control over such person as theretofore possessed by the board of trustees of the institution created by this act.

Transfer to
Pacific
Colony.

(c) Any person committed to said institution under sections eight or nine hereof shall in any case be discharged therefrom upon the expiration of the maximum period for which she has been committed to said institution unless she has been theretofore adjudged to be feeble-minded as hereinbefore provided.

Discharge
on expiration
of maximum
term.

SEC. 15. The board of trustees shall have the right to parole any inmate of the institution at such time and upon such terms as it may deem wise and to recall such parole in its discretion and to retake her into the custody of the institution. The board of trustees shall have the power to employ parole agents for the purpose of affording protection, assistance and guidance to women on parole.

Parole.

SEC. 16. (a) The said institution may manufacture or raise for sale supplies or produce for use in any state institution, and the board of trustees may in their discretion, pay to

Sale of
articles.

any inmate producing or assisting in the production of such article the proceeds, or a part of the proceeds, of the sale thereof. The board of trustees shall also have the power to employ inmates in actual work in the institution and to fix their compensation, if any, therefor and to pay the same at such times and in such manner as the board of trustees may see fit.

(b) All moneys received from the sale of articles of any description, supplies or produce as provided in section sixteen, subdivision (a) of this act, shall be paid to the state treasurer, to be placed in the contingent fund to the credit of the said institution and for its use.

SEC. 17. Any person who aids in or connives at the escape of any inmate from said institution, or in or at her eluding of pursuit in case she has escaped or her parole has been recalled, or in or at any breach of her parole, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or by imprisonment in the county jail for not less than three months or more than one year, or by both fine and imprisonment.

SEC. 18. In all proceedings relating to commitments under this act the fees and compensation of the sheriff and other officers of the court shall be such as are allowed by law for like proceedings and services in criminal cases.

SEC. 19. When said institution is ready for the admission of women thereto, the board of trustees thereof shall certify such fact to the governor, who shall make due proclamation thereof, and thereupon, but not before, sections eight and nine hereof shall become effective.

SEC. 20. The California industrial farm for women, its inmates, trustees, officers, employees and property, shall be exempt from the operation of chapter one, title five, part three, of the Political Code, and free from the supervision, inspection or control of the state commission in lunacy.

SEC. 21. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred fifty thousand dollars for the purposes of this act, and the controller of the state is hereby directed, on requisition of the board of trustees, duly audited by the state board of control, to draw his warrant on the state treasurer in favor of said board of trustees for any moneys duly appropriated to meet any expenditures under this act.

Employment
of inmates.

Disposi-
tion of
moneys
received
from sales

Penalty for
aiding in
escape.

Fees of
court
officers.

Proclamation
by governor.

State com-
mission in
lunacy not
to supervise.

Appropriation.

CHAPTER 166.

An act to amend section five hundred sixty-four of the Code of Civil Procedure, relating to receivers.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

564. A receiver may be appointed by the court in which an action is pending, or by the judge thereof. Appointment of receivers.

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to his claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed, or materially injured;

2. In an action by a mortgagee for the foreclosure of his mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed, or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt;

3. After judgment, to carry the judgment into effect;

4. After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply his property in satisfaction of the judgment;

5. In the cases when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights;

6. In an action of unlawful detainer, in those cases in which the superior court has exclusive original jurisdiction;

7. In all other cases where receivers have heretofore been appointed by the usages of courts of equity.

CHAPTER 167.

An act to amend an act entitled "An act to amend section six of an act entitled 'An act concerning the waterfront of the city and county of San Francisco,' " approved May 17, 1917.

[Approved April 30, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 583.

SECTION 1. Section six of an act entitled "An act to amend section six of an act entitled 'An act concerning the waterfront of the city and county of San Francisco,' " approved May 17, 1917, is hereby amended to read as follows:

Commission-
ers to have
control of
blocks.

Sec. 6. The said commissioners shall have the possession, jurisdiction and control over the blocks and parts of blocks formed by the change of the waterfront 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 may 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.

Lease of
seawall lots.

The commissioners are also authorized to lease such portions or portion 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," "b," and "c," and such portions of that certain land described as follows, to wit: Commencing at a point formed by the intersection of the southerly line of Islais street and the easterly line of Third (formerly Kentucky) street, and running thence easterly and along said southerly line of Islais street eighteen hundred eighty feet; thence at a right angle southerly to the northeasterly line of Arthur avenue; thence northwesterly along the northeasterly line of Arthur avenue to a point on the easterly line of Third (formerly Kentucky) street two hundred nineteen feet and five inches southerly from the southerly line of Islais street; thence northerly along said line of Third street two hundred nineteen feet and five inches to the southerly line of Islais street and the point of beginning; as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port, save and excepting, however, such portions of the last-described piece of property as may be within two hundred feet of the southerly

line of Islais street, and save and excepting such portions thereof as may be within two hundred feet of any portion of any pier, wharf or slip which may now exist fronting on Islais street or hereafter be constructed on any portion of said land; *provided*, that before the execution of any lease notice of the letting or leasing of any of the lots or property hereinabove 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 property or lot or portion thereof to be leased and that bids will be received by the commissioners at a place and time designated in such notice; and that said lots and property shall be let to the highest and best bidder; *provided, further*, that all bids for lease of property or lots or portions thereof, herein mentioned, shall set forth the purposes for which said property or lots or 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 property or lot shall be used for such purposes only; *provided, further*, that said board shall have the 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 15, 1901, and on file in the office of the secretary of state, of land 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; *provided, further*, that all such leases shall contain a provision providing that in the event of the establishment by the United States of a free zone in the port of San Francisco, and in the event that said leased land is necessary to said free zone that then the state board of harbor commissioners for that purpose, shall have the right to declare such leases cancelled and terminated upon payment to the lessees of the actual physical value of all improvements erected by said lessees on said leased land.

Term of lease.

Leases cancelled if free zone established.

CHAPTER 168.

An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire or other disaster the property of the State of California located on the water front of San Francisco, California.

[Approved April 30, 1919. In effect July 22, 1919.]

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

Insurance
of state
water front
property.

SECTION 1. The board of state harbor commissioners is hereby empowered and authorized to insure against loss or damage by fire or other disaster the wharves, docks, piers, slips, bulkheads and structures contained thereon, and improvements located on the inside and outside of the water front line, and all property of the State of California under the control and supervision of said board of state harbor commissioners.

Amount
and cost.

SEC. 2. This insurance is to be effected and distributed at the discretion and under the direction of said board of state harbor commissioners; the aggregate amount of such insurance not to exceed the sum of two million dollars, plus twenty-five per cent, of the actual cost value of improvements made or property acquired by the state through said board or coming under the jurisdiction of said board after this act goes into effect. The cost of said insurance shall not exceed two per cent per hundred in premiums for policies to be written for a three-years' term. Said cost to be defrayed and paid out of the San Francisco harbor improvement fund.

Repealed.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 169.

An act concerning the water front of the city and county of San Francisco.

[Approved April 30, 1919. In effect July 22, 1919.]

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

Operation of
warehouses,
grain
elevators,
etc., by
harbor com-
missioners.

SECTION 1. The board of state harbor commissioners is hereby authorized and empowered to construct, maintain and operate warehouses, grain elevators, oil tanks and such other facilities as it may from time to time deem expedient and to the advantage of the commerce of the port of San Francisco, and to fix such charges and make such rules and regulations as it may deem expedient for the operation thereof, and said board is further authorized and empowered to construct, maintain

and operate conveyors on, above and under the ground from and to and between the docks and wharves and other property of the State of California and to and from the docks and wharves and other property of the State of California and under the jurisdiction of the board and to and from property owned by the state and fronting on the Embarcadero from any property of the State of California under the jurisdiction of said board, as it may from time to time deem expedient and to the advantage of the commerce of the port of San Francisco, and to fix all charges and make such rules and regulations as it may deem expedient in the operation thereof.

CHAPTER 170.

An act to repeal an act entitled "An act creating a state defense guard, providing for its control and compensation, prescribing its duties and making an appropriation therefor," approved May 28, 1917.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. An act entitled "An act creating a state defense guard, providing for its control and compensation, prescribing its duties and making an appropriation therefor," approved May 28, 1917, is hereby repealed. Act, Stats. 1917, p. 1279, repealed.

CHAPTER 171.

An act to amend section two thousand three hundred nineteen i of the Political Code, relating to the state commissioner of horticulture.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two thousand three hundred nineteen i of the Political Code is hereby amended to read as follows:

2319i. Any nurseryman, agent, jobber, person, firm or organization operating in the State of California, who ships, sells or handles nursery stock, trees, plants, shrubs or vines which are for planting or propagation purposes within the borders of the state, shall register with the state commissioner of horticulture and shall pay the same one dollar for such registration for a period of one year. The state commissioner of horticulture shall issue to each applicant a special license number, and it shall be unlawful to ship or deliver within Nurserymen, etc., to register. License number.

Agent for
nurseryman

the State of California any package or other container or shipment of nursery stock, trees, plants, shrubs or vines for planting or propagation purposes within this state, which does not bear such special license number in a conspicuous manner and place; *provided, however*, that an agent or agents acting as salesman for a nurseryman, jobber, person, firm or organization shall not be granted a license number but shall be required to use the license number assigned the nurseryman, jobber, person, firm or organization by whom such agent or agents are employed.

CHAPTER 172.

An act to amend section two thousand three hundred nineteen k of the Political Code, relating to the state commissioner of horticulture.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two thousand three hundred nineteen k of the Political Code is hereby amended to read as follows:

Penalty.

2319k. Any person, firm, corporation, company or organization who shall violate any of the provisions of this chapter or shall wilfully refuse to comply with any order lawfully made under and pursuant to this chapter shall be guilty of a misdemeanor.

CHAPTER 173.

An act to amend section two thousand three hundred nineteen c of the Political Code, relating to the state commissioner of horticulture.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two thousand three hundred nineteen c of the Political Code is hereby amended to read as follows:

Quarantine
against plant
diseases, etc.

2319c. Upon information received by such commissioner of the existence of any infectious plant disease, insect or other animal or weed pest, new to or not generally distributed within this state, dangerous to any article, or to the interests of the plant industry of this state, or that there is a probability of the introduction of any such infectious plant disease, insect or other animal or weed pests into this state or across the boundaries thereof, he shall proceed to

thoroughly investigate same and may establish, maintain and enforce quarantine as hereinbefore provided, and may make and enforce such regulations as are in his opinion, necessary to circumscribe and exterminate such infectious plant diseases, insect or other animal or weed pests and prevent the extension thereof. Such commissioner may disinfect, or take such other action with reference to, any trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or any crops infested or infected with, or which, in his opinion may have been exposed to infection or infestation by, any such infectious plant diseases, insect or other animal or weed pests, as in his discretion shall seem necessary to carry out and give effect to the provisions of this act. Such commissioner is hereby authorized to enter upon any ground or premises to inspect the same or to inspect any tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seed, vegetable or other article of horticulture or implement thereof or box or package pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this chapter; *and provided, however,* that whenever any nursery or other premises whereon are being grown for planting or propagation purposes any nursery stock, trees, plants, shrubs, vines or seeds is found to be infested or infected with any insect or other animal pest or plant disease not generally distributed over the state and which, in the opinion of the state commissioner of horticulture, would cause damage or be liable to cause damage to the orchards, vineyards, gardens or farms of any portion of this state, the owner or person in charge of such premises shall be notified in writing to that effect by the state commissioner of horticulture. Such written notice shall include the name or names of the insects or other animal pests or plant diseases, and known host plants thereof, together with the best known means of eradicating or controlling such insects or other animal pests or plant diseases, and it shall be unlawful knowingly to sell, offer for sale, ship or deliver for shipment the host plants of, or seeds infested or infected with, any such insect or other animal pests or plant diseases. When in the opinion of the state commissioner of horticulture such insect or other animal pests or plant disease has been eradicated or satisfactorily controlled, he shall in writing release such host plants or host seeds for sale or shipment.

May enter premises.

Notice in writing.

CHAPTER 174.

An act to amend sections two and three of an act entitled "An act to establish standards for the packing and marketing of apples, forbidding the sale of certain infected and diseased apples, providing for its enforcement, fixing penalties for its violation, and making an appropriation to carry into effect the provisions thereof, and repealing an act entitled 'An act to establish a standard for the packing and marketing of apples, fixing penalties for the violation of its provisions, and providing for its enforcement and making an appropriation to carry into effect the provisions hereof,' approved June 10, 1915," approved May 7, 1917, and to add thereto two new sections to be numbered nine and thirteen a.

[Approved April 30, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 285.

SECTION 1. Section two of an act entitled "An act to establish standards for the packing and marketing of apples, forbidding the sale of certain infected and diseased apples, providing for its enforcement, fixing penalties for its violation, and making an appropriation to carry into effect the provisions thereof, and repealing an act entitled 'An act to establish a standard for the packing and marketing of apples, fixing penalties for the violation of its provisions, and providing for its enforcement and making an appropriation to carry into effect the provisions hereof' approved June 10, 1915," approved May 7, 1917, is hereby amended to read as follows:

Standard
grades
established.

SEC. 2. The following standard grades and standard box are hereby established for apples, packed, shipped, delivered for shipment, offered for sale or sold, in the State of California:

"California
fancy."

(a) The "California fancy" grade shall consist of apples of well-grown, properly matured specimens of one variety, hand picked, with stems retained therein, either in whole or in part, well colored and normally shaped for the variety and locality where produced, uniform in size, well packed, and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, bruises and other defects, except such bruises and defects as are necessarily caused in the operation of packing, and virtually free from dirt; *provided, however,* that a variation from the said standard, as to insect pests, diseases, dry rot, Baldwin spot, insect bites, bruises and other defects, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed three per cent of any one such defect; *and provided, further,* that a variation in size of the apples shall be allowed, not to exceed three-eighths of one inch, when measured through widest portion of cross section thereof, and that no

apples less than two and one-fourth inches when measured in like manner, shall be placed in "California fancy" grade except Lady and Winesap apples, when the smallest size shall be not less than two inches when measured in like manner.

(b) The "B grade" shall consist of apples of well-grown, "B grade." properly matured specimens of one variety, hand picked, uniform in size, well packed, free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, sun scald and frost bite more than skin deep, and bruises resulting in the breaking of the skin, and virtually free from dirt; *provided, however*, that insect bites which have healed in the process of maturity of the apple, and which do not cause serious deformity, and slightly misshapen apples, shall be permitted in this grade, that a variation in size of the apples shall be allowed, not to exceed three-eighths of one inch when measured through widest portion of cross section thereof, and that a variation from the said standard, as to insect pests, diseases, dry rot, Baldwin spots, bruises and other defects, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed three per cent of any one such defect.

(c) The "C grade" shall consist of apples of properly "C grade." matured specimens of one variety, free from insect pests, visible rot, visible dry rot, visible Baldwin spots and diseases; *provided, however*, that a variation from said standard as to insect pests, dry rot, Baldwin spots and diseases, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed three per cent of any one such defect.

(d) The standard container shall be a box of the following Standard container. dimensions, inside measurements, when measured without distention of parts: Depth of end ten and one-half inches; width of end eleven and one-half inches; length of box eighteen inches, and having a cubical content of as nearly as possible two thousand one hundred seventy-three and one-half cubic inches.

(e) On and after July 1, 1920, all packed apples, when shipped, offered for sale or sold, shall be placed in the standard box herein described; *provided, however*, that other size containers may be used if conspicuously marked in letters not less than one-half inch high "irregular container." Use after July 1, 1920.

SEC. 2. Section three of said act, approved May 7, 1917, Stats. 1917, p. 286. is hereby amended to read as follows:

Sec. 3. Every packed container of apples shipped, delivered for shipment, offered for sale or sold, in the State of California, shall bear upon the outside thereof, and on the end, in plain words or figures and in the English language, the following: The grade of the apples therein contained, as herein defined, the designation of grade, when the stamps hereinafter provided for are not used, being stated in letters not smaller than thirty-six point type, that is, not less than one-half inch in height; the number of apples contained in Labelling of container.

the package, or the minimum net weight of the apples contained therein; the variety of the apples contained in the package, unless the variety be unknown to the packer, in which case the variety shall be stated as unknown; the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and, if repacked, the name and business address of the person, firm, company, organization or corporation who repacked the same or caused same to be repacked; the date when such apples were first packed, or if repacked, the date of repacking; *provided, however*, that a variation of five apples, more or less than the number stated, shall be allowed.

Definitions.

(a) The term "packed," whenever used in this act, shall mean the regular, compact arrangement of all or a part of the fruit in any container.

(b) The terms "three and one-half tier," "four tier," and "four and one-half tier," whenever used as the designation of the size of apples sold or offered for sale, shall have the following meanings, respectively, to wit: The term "three and one-half tier" shall mean an apple larger in size than three and one-eighth inches, when measured through the widest cross section thereof; the term "four tier" shall mean an apple larger in size than two and five-eighth inches but not larger than three and one-eighth inches, when so measured; and the term "four and one-half tier" shall mean an apple not smaller in size than two and one-fourth inches nor larger than two and five-eighth inches, when so measured.

(c) The term "cross-section," whenever used in this act, shall mean the section of an apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

SEC. 3. A new section is hereby added to said act approved May 7, 1917, to be numbered nine *a* and to read as follows:

Powers and duties of inspectors.

Sec. 9a. Every such inspector shall have power to enter and to inspect any place within this state where any apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such apples and the containers thereof and the equipment found in any such place. It shall be the duty of the inspectors to enforce the provisions of this act and to cause the prosecution of any person, company, firm, corporation or organization, whom he knows or has reason to believe to be guilty of the violation of any of its provisions. Every inspector, in the performance of his duties, shall have the same powers possessed by peace officers under the laws of the State of California.

SEC. 4. A new section is hereby added to said act approved May 7, 1917, to be numbered thirteen *a* and to read as follows:

Refusal to receive or ship.

Sec. 13a. It shall be lawful for any person, firm, corporation or organization and for any common carrier to refuse to accept for shipment or transportation and to refuse to ship or transport any apples which upon inspection are found to be or to be packed in violation of any of the provisions of this act,

and any such person, firm, corporation, organization or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or to hold at the expense and risk of the latter all apples which upon inspection are found to be or to be packed in violation of any of the provisions of this act.

SEC. 5. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

CHAPTER 175.

An act to amend section nine hundred fifty-three c of the Code of Civil Procedure, regarding records on appeal.

[Approved May 3, 1919. In effect July 22, 1919.]

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

SECTION 1. Section nine hundred fifty-three c of the Code of Civil Procedure is hereby amended to read as follows:

953c. Where, on appeals taken from judgments, orders or decrees of the superior court to the supreme court or district courts of appeal the appellant elects to avail himself of the provisions of the three preceding sections, it shall be the duty of the clerk of the court from which the appeal is taken, within ten days after the preparation of the record, to transmit to the clerk of the court to which the appeal is taken, the record prepared in accordance with the provisions of the two preceding sections. Said records shall be filed with the clerk of the court to which the appeal is taken and no transcript thereof need be printed. In filing briefs on said appeal the parties must, however, print in their briefs, or in a supplement appended thereto, such portions of the record as they desire to call to the attention of the court. Clerk to transmit prepared record on appeal.

No appeal shall be dismissed nor shall any appeal be decided adversely to any party for failure to print in his brief the portion of the record or any part thereof in support of his points, but in such case the court hearing the appeal shall direct such party to print and serve on the adverse party and file with it a supplement to his brief in which shall be set forth in full that portion of the record relied on by such party and not printed in any former brief. The court shall fix the time Omissions from record may be filed as supplement.

within which such supplement shall be served and filed and shall permit or require such additional portions of the record to be printed, served and filed as may be desirable for the full presentation of the points at issue.

CHAPTER 176.

An act providing for the prevention and suppression of forest fires.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Prevention
and suppres-
sion of forest
fires.

SECTION 1. For the prevention and suppression of forest fires the state board of forestry shall—

(a) Make and enforce such rules and regulations as may be necessary and proper for the organization, maintenance, government and direction of the fire protective system provided for in this act;

Fire
districts.

(b) Divide the state into such number of suitable and convenient fire districts as may be necessary;

Fire rangers.

(c) Appoint a district fire ranger for each of such fire districts to serve during the seasons when fires are liable to occur at a salary of not to exceed one hundred fifty dollars per month and necessary expenses. Said district fire rangers shall, under the direction of the state forester, have charge of the fire fighting system and men in such districts; and shall be charged with the duty of preventing and extinguishing forest fires and with the performance of such other duties as may be required by the forester;

Implements
and
apparatus.

(d) Provide all proper fire-prevention and fire-fighting implements and apparatus, organize fire companies and establish observation stations and employ men to attend them in all fire districts established as herein provided; construct and maintain telephone lines and provide such other means of communication as shall be necessary to prevent and extinguish forest fires.

Co-operation
with other
agencies.

SEC. 2. For the purpose of co-operating with federal, county, municipal and private agencies for fire protection, forest management, reforestation and afforestation the state forester may—

Agreements
with federal
government.

(a) Enter into agreements with the federal government, under such terms as he deems advisable or as may be provided by law, and renew, revise or terminate such agreements, for the purpose of maintaining a fire patrol system for the prevention and suppression of any forest fires in any timber, brush, grass or other inflammable vegetation or material; *provided*, that the expenses incurred by the terms of said agreements shall be paid from the appropriations or funds available for forest fire protection.

(b) Whenever any county or municipality shall make any appropriation for the prevention and suppression of forest fires on any lands within said county, or municipality, or for the protection and forest management of any lands over which such county or municipality has jurisdiction, or for reforestation or afforestation on lands within said county or municipality, the state forester may, with the approval of the state board of control, enter into agreements with such county or municipality for said purposes on such terms and under such considerations as he deems wise.

Agreements with counties or municipalities.

(c) Enter into agreements, with the approval of the state board of control, with any person, firm, association or corporation owning or controlling any forest, brush, grass or grain lands, under such terms as he deems advisable or as may be provided by law, and renew, revise or terminate such agreements, for the prevention and suppression of forest fire: *provided*, that said agreements shall not provide that the state shall pay more than one-third of the expenses for said prevention and suppression of forest fires; *provided, however*, that the expenses incurred by the terms of said agreements shall be paid from the appropriations or funds available for forest fire protection.

Agreements with persons, firms, etc.

SEC. 3. Where owners of land, or any organization, shall maintain a fire patrol for the prevention and suppression of forest fires the state forester may designate such patrolman as special fire ranger and give to him, for the protection of lands patrolled by him or adjacent thereto, all the rights and powers of district fire rangers as herein provided; and such special fire rangers shall be paid wholly by such owners or organizations or as may be provided for by section two of this act.

Special fire rangers.

SEC. 4. The state forester, deputy state forester and assistant state foresters, shall have power to summon any able-bodied male to assist in suppressing any forest fire; and whosoever fails to obey such summons shall be guilty of a violation of this act; and the above-mentioned officers shall have power to authorize any district fire ranger, special fire ranger or any voluntary fire warden to summon any able-bodied man to assist in suppressing any forest fire within their respective jurisdictions, and whosoever fails to obey such summons from any such authorized district fire ranger, special fire ranger or voluntary fire warden shall be deemed guilty of a violation of this act; and every person who in obedience to such summons assists in extinguishing any forest fire shall be compensated at the rate of twenty-five cents per hour of service actually rendered; *provided*, that said compensation shall be paid from the appropriations or funds available for forest fire protection.

Power to summon help for suppression of fires.

SEC. 5. The state forester, deputy state forester, assistant state foresters, district fire rangers and special fire rangers, shall have the powers of peace officers to make arrests without warrant, for violation of any state, county or federal fire law, and none of them shall be liable to civil action for trespass committed in the discharge of their duties.

Power to make arrests.

"Forest fire"
defined.

SEC. 6. The term "forest fire" as used in this act, means any fire burning uncontrolled on any lands covered wholly or in part by timber, brush, grass, grain, or other inflammable vegetation.

Penalty.

SEC. 7. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punishable upon conviction by a fine of not less than fifty dollars nor more than five hundred dollars, and if the defendant refuses, on conviction, to pay said fine he shall be confined in the county jail of the county in which conviction shall be had for a period not to exceed one day for every two dollars of the fine imposed, or may be subject to both such fine and imprisonment.

Repealed.

SEC. 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 177.

An act to amend section six of an act entitled "An act to provide for the creation of the 'state market commission' and the organization thereof; to define its other duties and powers; to create the position of state market director, to define the duties and powers; to create the state market commission fund, and a revolving fund; and repealing that act known as 'state commission market act,' approved June 10, 1915, chapter seven hundred thirteen of the statutes of 1915, and all other acts and parts of acts in conflict with the provisions of this act," approved June 1, 1917.

[Approved April 30, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 1671.

SECTION 1. Section six of an act entitled "An act to provide for the creation of the 'state market commission' and the organization thereof; to define its other duties and powers; to create the position of state market director, to define the duties and powers; to create the state market commission fund, and a revolving fund; and repealing that act known as 'state commission market act,' approved June 10, 1915, chapter seven hundred thirteen of the statutes of 1915, and all other acts and parts of acts in conflict with the provisions of this act," approved June 1, 1917, is hereby amended to read as follows:

Term of
director.

Sec. 6. The director shall hold office at the pleasure of the governor and his annual salary shall be five thousand dollars. The legislature by a two-thirds vote may remove the director for misconduct, neglect of duty or incompetency.

Removal.

CHAPTER 178.

An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. This act shall apply to all corporations and associations which are subject to examination by the insurance commissioner, or which are doing or attempting to do or representing that they are doing the business of insurance in this state, or which are in the process of organization intending to do such business therein; and the words "corporation" or "corporations" herein shall also include all such associations, as well as all voluntary or unincorporated associations; *provided, however,* that nothing herein contained shall be construed to affect or to relate to any fraternal benefit society as defined in the act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, as amended.

SEC. 2. Whenever any domestic corporation (a) is insolvent; or (b) has refused to submit its books, papers, accounts or affairs to the reasonable inspection of the insurance commissioner, or his deputy or examiner; or (c) has neglected or refused to observe an order of the insurance commissioner to make good within the time prescribed by law any deficiency, whenever its capital, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired; or (d) has, by contract of reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other corporation or association without having first obtained the written approval of the insurance commissioner; or (e) is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to the public; or (f) has wilfully violated its charter or any law of the state; or (g) whenever any officer thereof has refused to be examined under oath touching its affairs; or (h) if such corporation be organized under chapter six, division one, part four, title two of the Civil Code, or as a corporation to carry on the business of mutual live stock insurance upon the assessment plan, its condition is found, after examination, to be such that it can not meet the requirements for incorporation and authorization specified in the law relating thereto, the insurance commissioner may apply to the superior court, or any judge thereof, in the county in which the principal office of such corporation is located for an order directing such corporation to show cause

Application of act.

Action by insurance commissioner for order to conduct business of domestic corporation.

why the insurance commissioner should not take possession of its property, and conduct its business, and for such other relief as the nature of the case and the interest of its policyholders, creditors, and the public may require.

Injunction
by court.

SEC. 3. On such application, or at any time thereafter, such court may, in its discretion, issue an injunction restraining such corporation from the transaction of its business or disposition of its property until the further order of the court. On the return of such order to show cause, and after a full hearing, the court shall either deny the application or direct such insurance commissioner, or his successor in office, forthwith to take possession of the property and conduct the business of such corporation, and retain such possession and conduct such business until, on the application either of the insurance commissioner, or of such corporation, it shall, after a like hearing, appear to the court that the ground for such order directing the insurance commissioner to take possession has been removed and that the corporation can properly resume possession of its property and the conduct of its business.

Liquidation
by insurance
commissioner.

SEC. 4. If, on a like application and order to show cause, and after a full hearing, the court shall order the liquidation of the business of such corporation, such liquidation shall be made by and under the direction of such insurance commissioner, and his successors in office, who may deal with the property and business of such corporation in their own names as insurance commissioners or in the name of the corporation, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts and rights of action of such corporation as of the date of the order so directing them to liquidate. The filing or recording of such order in any county recorder's office of the state shall impart the same notice that a deed, bill of sale or other evidence of title duly filed or recorded by such corporation would have imparted. The rights and liabilities of any such corporation, and of its creditors, policyholders, stockholders and members, and of all other persons interested in its assets, shall, unless otherwise directed by the court, be fixed as of the date of the entry of the order directing the liquidation of such corporation in the office of the clerk of the county wherein such corporation had its principal office for the transaction of business upon the date of the institution of proceedings under this section.

Action by
insurance
commissioner
in case
of foreign
corporations.

SEC. 5. Whenever any of the grounds of jurisdiction over domestic corporations specified in subdivisions (a), (b), (c), (d), (e), (f) and (g) of section two of this act exist or arise with reference to any corporation incorporated by or existing under the government or laws of any country outside of the United States and authorized to transact the business of insurance and having assets in this state; or whenever any foreign corporation so authorized and having assets in this state has been placed in the hands of a receiver or had its property sequestrated in its domiciliary state or country or in any other

state or country, the insurance commissioner may apply to the superior court or any judge thereof in the county in which such corporation has its principal office for the transaction of business in this state, for an order directing such corporation to show cause why the insurance commissioner should not take possession of its property and conserve its assets for the benefit of its creditors, and for such other relief as the nature of the case and the interests of its policyholders, creditors, stockholders or the public may require.

SEC. 6. On such application, or at any time thereafter, such court may, in its discretion, issue an injunction restraining such corporation and its officers, agents and employees from the transaction of its business or disposition of its property until the further order of the court. On the return of such order to show cause, and after a full hearing the court shall either deny the application or direct the insurance commissioner forthwith to take possession of the property and conserve the assets of such corporation, and retain such possession until, on the application either of the insurance commissioner, or of such corporation, it shall, after a like hearing, appear to the court that the ground for such order directing the insurance commissioner to take possession has been removed and that the corporation can properly resume possession of its property and conduct its business. If, on such application, the court shall direct the insurance commissioner to take possession of the property and conserve the assets of such corporation, the rights and duties of the said insurance commissioner with reference to such corporation and its said assets shall be those heretofore exercised by and imposed upon ancillary receivers of foreign corporations in this state.

Injunction
by court.

SEC. 7. For the purposes of this act, the insurance commissioner shall have power to appoint, under his hand and official seal, one or more special deputy insurance commissioners, as his agent or agents, and to employ such counsel, clerks and assistants as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider wise. The compensation of such special deputy insurance commissioners, counsel, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating any such corporation shall be fixed by the insurance commissioner, subject to the approval of the court, and shall, on certificate of the insurance commissioner, be paid out of the funds or assets of such corporation. During the progress of any proceedings taken under this section, the insurance commissioner, his deputies or any examiner authorized by him and the special deputy insurance commissioner acting for the said insurance commissioner therein shall have all of the powers given to the insurance commissioner, his deputy or any examiner authorized by him, including the power to examine under oath the persons specified in such

Appointment
of deputies,
etc.

section. and to compel the production of books and papers as therein provided.

Rules and
regulators.

SEC. 8. For the purposes of this act, the insurance commissioner shall have power, subject to the approval of the court, to make and prescribe such rules and regulations as to him shall seem proper.

Report to
legislature on
liquidated
corporations.

SEC. 9. The insurance commissioner shall transmit to the legislature, in his biennial report, the names of the corporations so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policyholders, creditors, stockholders and the public with his proceedings under this act; and, to that end, the special deputy insurance commissioner in charge of any such corporation shall file annually with the insurance commissioner a report of the affairs of such corporation.

Commissioner
has power
of receiver.

SEC. 10. In all cases arising under the provisions of this act where not otherwise provided the powers and duties of the insurance commissioner with relation to the property and assets and business of any corporation placed under his control shall be those heretofore exercised by and imposed upon receivers of corporations within this state.

Service of
papers.

SEC. 11. The order to show cause and the papers upon which the same is made in any proceeding instituted under the provisions of this act shall be served upon the corporation named in such order in the manner prescribed by law for personal service of summons upon a domestic corporation. When it is satisfactorily proved by affidavit that the officers of the corporation named in the said order to show cause, upon whom service is required to be made as above provided, or, if a Lloyds association or inter-insurance exchange be named in the order to show cause, the duly designated attorney-in-fact, have departed from the state or keep themselves concealed therein with intent to avoid service, such order to show cause may provide for service thereof in such manner as the court or judge by whom the same is made, shall direct.

Transfer of
place of
business
to San
Francisco.

SEC. 12. At any time after the commencement of proceedings under an order of liquidation made pursuant to this section, the said insurance commissioner may remove the principal office of the corporation in liquidation to the city and county of San Francisco. In event of such removal the court shall, upon the application of the insurance commissioner, direct the clerk of the county wherein such proceeding was commenced to transmit all of the papers filed therein with such clerk to the clerk of the county of San Francisco, and the proceeding shall thereafter be conducted in the same manner as though it had been commenced in the city and county of San Francisco.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; *provided, however*, that it shall be optional with the insurance commissioner in any appropriate case to proceed in the manner herein provided or in accordance with the provisions of section six hundred four of the Political Code.

Repealed.

Option of commissioner.

CHAPTER 179.

An act to amend section four thousand two hundred ninety-five of the Political Code, relating to official services and fees.

[Approved April 30, 1919. In effect immediately.]

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

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

4295. State, county, and township officers shall not in any case except in proceedings upon habeas corpus perform any official services unless upon the prepayment of such fees as are prescribed by law for the performance of such services; *provided*, that the state or any county, city, or city and county, or any public officer, or board, or body acting in his or its official capacity on behalf of the state, or any county, city or city and county, shall not be required to pay or deposit any fee for the filing of any document or paper or for the performance of any official service; *provided, further*, that the state, or any county, city, or city and county, or any public officer or board, or body, acting in his, or its official capacity on behalf of the state, or any county, city, or city and county, shall not collect, demand or receive any fee or compensation for recording or indexing any discharge of a soldier or sailor discharged from the army or navy of the United States or for issuing certified copies thereof or for any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the bureau of war risk insurance under and by virtue of an act of congress of the United States entitled "An act to amend an act entitled 'An act to authorize the establishment of a bureau of war risk insurance in the treasury department,' " approved October 6, 1917, and acts amendatory thereof, or furnishing a verified copy of the public record of a marriage, death, birth or divorce or making a search for same, wherein the same is to be used in a claim for a pension, or a claim for an allotment, allowance, compensation, insurance, or otherwise under the said act establishing the said bureau of war risks insurance. Said services shall be rendered on the request of a United States official, a claimant or his or her attorney, and for every failure or refusal so to do such officer shall be liable on his official bond. Upon the payment by any person of the fees required by law,

Prepayment of fees for official services.

Records of United States service.

the officer must perform the services required, and for every failure or refusal so to do such officer shall be liable on his official bond.

Urgency
measure.

SEC. 2. This act is hereby declared to be an urgency measure, and under the provisions of section one of article four of the constitution of the State of California shall take effect immediately upon approval. The facts constituting such urgency are as follows: The United States has just concluded a war and the claims for allotment, allowances, compensations and insurance referred to in section one of this act are urgent emergency claims growing out of said war. Said claims for allotment, allowances, compensation and insurance are in a vast and innumerable number of instances payable to dependent wives, parents or relatives in destitute circumstances, who without the financial aid and assistance of said allotments, allowances, compensations and insurance would be left in want. It is therefore necessary for the immediate preservation of the public peace and health that these claims be presented to the war risk insurance bureau for immediate action and this act is necessary to enable claimants to so present their respective claims.

CHAPTER 180.

An act making farm loan bonds a lawful investment for insurance companies and a lawful deposit for foreign insurance companies and a lawful investment for all public and trust funds, and a lawful security for the performance of certain acts.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Insurance
companies
may buy
farm loan
bonds.

SECTION 1. Insurance companies organized under the laws of California may, in addition to the kinds and classes of securities defined in section four hundred twenty-one of the Civil Code, invest their capital and accumulations in farm loan bonds issued under the provisions of the federal farm loan act approved July 17, 1916, and that foreign insurance companies required by section five hundred ninety-four *a* of the Political Code to deposit securities, be and they are hereby permitted to deposit such farm loan bonds in lieu of any other securities now permitted to be deposited by said last-mentioned section.

Farm loan
bonds may
be purchased
with public
funds.

SEC. 2. Farm loan bonds issued under the federal farm loan act approved July 17, 1916, are hereby made a lawful investment in the State of California for all state, county, city and county, city, school, municipal and all other public

funds, and a lawful investment in said state for the funds of executors, administrators, guardians, receivers, and trustees of every kind and nature, and that whenever any bonds may by any law now or hereafter enacted be used as security for the performance of any act or acts, such farm loan bonds may be so used.

CHAPTER 181.

An act to amend section two thousand one hundred ninety-two of the Political Code, relating to payments for maintenance of imbeciles, feeble-minded persons, idiots, or epileptics admitted into the home for the feeble-minded.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two thousand one hundred ninety-two of the Political 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 the feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital; *provided*, that any peace officer may petition said court for an order admitting such a 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 upon 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 his 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

Petition to
commit
imbecile,
etc., to
home.

Financial
condition
of parent
or guardian.

Peremptory
discharge.

managers may, with the approval of the commission, cause the peremptory discharge of any person who 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 such sum not exceeding twenty dollars monthly as may be set by the state commission in lunacy 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.

CHAPTER 182

An act to amend section two thousand one hundred eighty of the Political Code, relating to the payments for the maintenance of the insane at state hospitals.

[Approved April 30, 1919. In effect July 22, 1919.]

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

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

Monthly rate
for insane
at state
hospitals.

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 twenty dollars per month, payable in advance, as may be set by the state commission in lunacy; *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 twenty 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.

CHAPTER 183.

An act to provide for the support of vocational re-education and rehabilitation of workmen disabled in industry in this state, and to create a fund for these purposes to be known as the "industrial rehabilitation fund" by fixing an additional liability upon all employers liable under said act in cases where employeess receive fatal compensable injury and leave no dependents.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Whenever any fatal compensable injury is suffered by any employee coming under the provisions of said compensation, insurance and safety act and such deceased employee does not leave surviving him any person entitled to a death benefit, the employer, or his insurance carrier, if he be insured under said compensation act, shall pay into the treasury of the State of California the sum of three hundred fifty dollars for each such fatal injury in addition to any other payments under the provisions of said compensation act; *provided*, that the total payments shall not exceed three times the average annual earnings of said deceased employee. Said moneys paid into the state treasury under the provisions of this section shall be covered into a special fund to be known as the "industrial rehabilitation fund," which fund is hereby created and appropriated for the purposes set forth in this act.

"Industrial
rehabilita-
tion fund"
created.

SEC. 2. The industrial accident commission may draw upon said fund for the promotion of vocational re-education and rehabilitation of persons disabled in industry in this state, in addition to any other money appropriated for such purposes. The controller is hereby ordered to draw his warrant on said fund from time to time in accordance with the direction of the commission, and the treasurer is hereby authorized and directed to pay the same.

Purpose.

SEC. 3. The treasurer shall place the remainder, if any, of the fund, after making the payments required by the preceding sections of this act, semiannually, to the credit of the accident prevention fund, established by said compensation act.

Disposition
of remainder

SEC. 4. As soon as the sum of five thousand dollars shall have accumulated in said fund, the treasurer shall, upon the order of the industrial accident commission, deposit the same with the state compensation insurance fund as a revolving fund. The state compensation insurance fund shall, upon the order or award of the industrial accident commission, make the payments required by sections two, three and four from said revolving fund, accounting therefor to the state board of control as in other cases, and the state treasurer shall

Revolving
fund.

Expense of
adminis-
tration.

from time to time; upon the order of the commission, reimburse said state compensation insurance fund from the industrial rehabilitation fund for expenditures made from said revolving fund. The reasonable expense of administration of the said state compensation insurance fund in carrying out the duties imposed by this act shall, upon the auditing and approval thereof by the state board of control, be paid from said industrial rehabilitation fund in the same manner as is provided in this section for other payments. The controller is hereby directed to draw his warrant from time to time in favor of the state compensation insurance fund in accordance with the direction of said commission, and the treasurer is hereby authorized and directed to pay the same.

Proceedings
to collect
amount or
determine
liability.

SEC. 5. If any proceedings are necessary to collect from any employer the amount mentioned in the preceding section, or to determine the liability of any employer under said compensation act with respect to said amount, such proceedings shall be instituted before the industrial accident commission of its own motion or by the attorney general on behalf of the people of the State of California and such proceedings shall be tried and determined in the same manner and with the same effect as any other proceeding to collect compensation: *provided*, that if proceedings be instituted by any other person to collect benefits under the compensation act on account of such fatal injury, the commission may, if it finds said sum of three hundred fifty dollars payable to the state treasurer, award said sum to the State of California without the people of the State of California being a party to said proceedings: *and provided, further*, that if said sum of three hundred fifty dollars shall be paid into the treasury and at any time thereafter any person claiming to be a dependent of the deceased employee shall establish such dependency and secure an award therefor, the commission may make an award against the State of California in favor of said dependent for said sum of three hundred fifty dollars, or as much thereof as may be necessary to meet the claim of such dependent, said sum to be applied to said death benefit and to relieve to that extent the employer or his insurance carrier against liability therefor.

If claim of
dependency
established.

Authority of
industrial
accident
commission.

SEC. 6. The industrial accident commission of the State of California is hereby vested with full jurisdiction and authority to hear and determine any and all questions and controversies arising under this act and to make and enter all orders and awards necessary to carry out the purposes herein set forth.

CHAPTER 184.

An act providing for the relief by counties or cities of indigent persons who have been honorably discharged from any branch of the United States army or navy or the American Red Cross, and their families, to be administered through certain organizations organized for that purpose.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. The board of supervisors of any county in the state is hereby authorized to grant financial assistance, relief and support to indigent persons who have been honorably discharged from any branch of the United States army or navy, or the American Red Cross, and who have served in any war in which the United States has been engaged, such assistance, relief and support to be administered through and by any military, naval or marine organization now existing or hereafter created for the purpose of aiding, relieving and supporting such indigent persons under the terms and conditions set forth in this act.

County relief to indigents discharged from United States service or Red Cross.

SEC. 2. Any organization desiring to assist the persons mentioned in section one hereof, shall first file with the board of supervisors of the county in which it is operating or intending to operate, a verified statement setting forth the following matters, to wit:

Statement by organizations giving assistance.

1. Objects and purposes of the organization, one of which must be the purpose mentioned in section one hereof.

2. Date of organization.

3. Names and addresses of officers and relief committee.

4. Name and address of the treasurer or financial officer in charge of the receipt and disbursement of funds.

5. Number of members.

6. Financial condition showing total assets and liabilities.

7. Statement that financial assistance for persons mentioned in section one hereof to be administered in accordance with the provisions of this act, will be asked for.

SEC. 3. Upon the filing of the said statement the board of supervisors shall set a day not more than ten days from the date of such filing, upon which said statement shall be considered and at least five days notice thereof shall be given by mail to the clerk or secretary of said organization.

Consideration of statement.

SEC. 4. Upon the day set, the board of supervisors shall, after hearing any evidence that may be presented, determine by resolution entered upon its minutes whether or not the said organization is qualified to carry out the provisions of this act. Such resolution shall be effective only for a period of one year and may be revoked at any time.

Resolution of supervisors.

Treasurer of
organization
to give
bond.

SEC. 5. No money shall be given to any person under this act except to the treasurer or financial officer of the — organization, whose name shall be stated in subdivision four of the statement mentioned in section two hereof, and such treasurer or financial officer shall, before receiving any money hereunder file with the board of supervisors a good and sufficient bond or undertaking signed by at least two sureties, in an amount to be fixed by the board of supervisors; said bond shall inure to the benefit of the county and shall be conditioned upon the faithful and honest administration of the funds entrusted to said officer in accordance with the provisions of this act.

Warrant for
relief upon
request of
organization.

SEC. 6. Upon receipt of a request from any organization qualified under this act, giving the names of all persons for whom relief is desired, together with the branch of service, division, regiment and company or other unit or designation by which each of such persons may be identified, and a further statement that the circumstances of each of such persons has been personally investigated by the relief committee of such organization, and that each of such persons is in all respects worthy and entitled to relief hereunder, the board of supervisors may direct the county auditor to draw his warrant upon the county treasurer for the amount specified therein, or a less amount, and such warrant shall be delivered to the treasurer or financial officer of said organization.

Money not to
be used for
overhead
expenses.

SEC. 7. All money paid out by any county under this act shall be used by the organization receiving it exclusively for the relief of persons mentioned in section one hereof and no part of it shall ever be used for administration or overhead expenses; *provided, however*, that the indigent and dependent widow, minor child, father or mother of any of said persons may be granted relief by said organization out of said money; *provided, further*, that the necessary expenses, not to exceed seventy-five dollars for burial or cremation of any deceased person mentioned in section one hereof, may be paid out of such money.

Money taken
from general
fund or
raised by
tax levy.

SEC. 8. The money necessary to carry out the provisions of this act may be taken from the general fund of the county, or the board of supervisors in its discretion may levy a special tax not to exceed one-half cent on the one hundred dollars of the assessed valuation of all property within the county to carry out said purposes.

Assistance
by city.

SEC. 9. Any municipal corporation may extend assistance to any organization under this act, and in such case all proceedings required to be had before the board of supervisors of the county shall be had before the legislative body of such city, and the words "board of supervisors," "county," "county auditor" and "county treasurer" wherever used in this act shall be deemed to mean "legislative body," "city," "city auditor" and "city treasurer" respectively.

CHAPTER 185.

An act to amend section five hundred thirty-two a of the Penal Code, in relation to false financial statements.

[Approved April 30, 1919. In effect July 22, 1919.]

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

SECTION 1. Section five hundred thirty-two a of the Penal Code is hereby amended to read as follows:

532a. Any person—

(1) Who shall knowingly make or cause to be made, either directly or indirectly or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of himself, or any other person, firm or corporation, in whom he is interested, or for whom he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the execution of a contract of guaranty or suretyship, the discount of an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange, or promissory note, for the benefit of either himself or of such person, firm or corporation; or

Making false statement of financial condition.

(2) Who knowing that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of himself, or such person, firm or corporation in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself, or of such person, firm or corporation, either or any of the things of benefit mentioned in the first subdivision of this section; or

Benefiting by false statement.

(3) Who knowing that a statement in writing has been made, respecting the financial condition or means or ability to pay of himself or such person, firm or corporation, in which he is interested, or for whom he is acting, represents on a later day in writing that such statement theretofore made, if then again made on said day, would be then true, when in fact, said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation either or any of the things of benefit mentioned in the first subdivision of this section; shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Reaffirming false statement.

Penalty.

CHAPTER 186.

An act to amend an act entitled "An act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries," approved March 19, 1909, by amending sections one and two thereof and adding thereto a new section, to be numbered section three.

[Approved May 2, 1910. In effect July 22, 1910.]

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

Stats. 1909
p. 436.

SECTION 1. Section one of an act entitled "An act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries," approved March 19, 1909, is hereby amended to read 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, or with the California state library, 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.

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

Agreement
required.

Sec. 2. Before making such deposit, the said board of supervisors shall obtain from the board of trustees or authorities in charge of such free public library, or the board of trustees of the California state library, an agreement that they will properly preserve and care for such newspaper files, and make them accessible to the public.

SEC. 3. A new section is hereby added to said act, to be numbered three, to read as follows:

Files may be
transferred
to state
library.

Sec. 3. The county boards of supervisors of the several counties may authorize the boards of trustees or other authorities in charge of any free public library with which newspaper files have been deposited in accordance with section one of this act to deposit such newspaper files with the California state library.

CHAPTER 187.

An act to amend sections three, five and six of an act entitled "An act to create a state purchasing department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department; and to repeal all acts or parts of acts in conflict with the provisions of this act," approved May 15, 1915.

[Approved May 2, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three of an act entitled "An act to create a state purchasing department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department; and to repeal all acts or parts of acts in conflict with the provisions of this act," approved May 18, 1915, is hereby amended to read as follows: Stats. 1915,
p. 509.

Sec. 3. The state purchasing agent shall have the power and authority, subject to the approval of the state board of control, to maintain warehouses, and to rent or lease, or construct the same, and to issue such rules and regulations as may be necessary for the proper and economical conduct of the business of the state purchasing department. Warehouses.

The state purchasing agent is hereby authorized to insure, in the name of the state, any goods or merchandise belonging to the state which may be stored in any warehouse or storage depot not under exclusive state control, in an amount sufficient to indemnify the state against loss or damage by fire. The premium for such insurance shall be paid out of the revolving fund created for the use of the state purchasing department and the expense thereof shall be prorated and added to the price of the goods or merchandise, when shipped, and billed to the various institutions and departments of the state to which the same are supplied.

SEC. 2. Section five of said act approved May 18, 1915, is hereby amended to read as follows: Stats. 1915,
p. 509.

Sec. 5. Every valid claim on account of such contracts and purchases negotiated by the state purchasing agent shall be audited and paid from the appropriations or funds against which the contract and purchase estimates or requisitions were allowed as provided in section four hereof upon the sworn statement of the executive officer of the department, commission or board, or of the business manager of the institution or of the state official for whose benefit the appropriations or Claims.

Claims.

funds are made available, to the effect that the services have been rendered and the supplies delivered in accordance with the contract and the law, together with the sworn statement of the state purchasing department as to the correctness of the claim. Such sworn statements after approval by the state board of control, shall be full and sufficient authority for the controller to draw his warrant and the treasurer to pay the same against said appropriations or funds. Said executive officer, business manager or state official must immediately upon the proper rendition of services or delivery of supplies or both, transmit the invoice or demand for payment of the same together with his sworn statement to the office of the state purchasing department. No such claim on account of such contracts and purchases shall require the signature of any officer or officers other than those mentioned in this section, any other act or regulation to the contrary notwithstanding, and no contrary provision contained in any law hereafter enacted shall be deemed to contravene the provisions hereof unless the direction is accompanied by a special provision exempting it from the operation of this section; *provided, however*, that no claim shall be audited against or paid from any appropriation or fund unless an estimate or requisition for the same is approved in accordance with section four of this act.

Stats. 1915,
p. 510.

SEC. 3. Section six of said act approved May 18, 1915, is hereby amended to read as follows:

Assistants.

SEC. 6. The state purchasing agent shall have the power to appoint one deputy state purchasing agent at an annual salary of three thousand dollars, who shall be a civil executive officer, one state testing engineer at an annual salary of two thousand seven hundred dollars, and to appoint and fix the salaries of three assistant state purchasing agents, subject to the approval of the state board of control. The state purchasing agent shall also have power, with the approval of the state board of control, to appoint and fix the compensation of such additional employees as the proper and economical conduct of the state purchasing department may demand.

Bond of
assistants.

The deputy and each subordinate of the department who has personal supervision and control of any warehouse or storage depot wherein merchandise or goods belonging to the state are stored, shall execute to the people of the state a bond in the penal sum of five thousand dollars, the premium of which shall be paid by the state as are the premiums upon the bonds of state officers.

Deputy to
succeed
in case of
death, etc.

In the event of the death, resignation, removal from office, or disqualification of the state purchasing agent, the deputy shall become the acting state purchasing agent, and shall serve as such until a state purchasing agent shall be appointed and qualified according to law.

CHAPTER 188.

An act defining criminal syndicalism and sabotage, proscribing certain acts and methods in connection therewith and in pursuance thereof and providing penalties and punishments therefor.

[Approved April 30, 1919. In effect immediately.]

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

SECTION 1. The term "criminal syndicalism" as used in this act is hereby defined as any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage (which word is hereby defined as meaning wilful and malicious physical damage or injury to physical property), or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change. "Criminal syndicalism" defined.

SEC. 2. Any person who:

1. By spoken or written words or personal conduct advocates, teaches or aids and abets criminal syndicalism or the duty, necessity or propriety of committing crime, sabotage, violence or any unlawful method of terrorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change; or Unlawful acts.

2. Wilfully and deliberately by spoken or written words justifies or attempts to justify criminal syndicalism or the commission or attempt to commit crime, sabotage, violence or unlawful methods of terrorism with intent to approve, advocate or further the doctrine of criminal syndicalism; or

3. Prints, publishes, edits, issues or circulates or publicly displays any book, paper, pamphlet, document, poster or written or printed matter in any other form, containing or carrying written or printed advocacy, teaching, or aid and abetment of, or advising, criminal syndicalism; or

4. Organizes or assists in organizing, or is or knowingly becomes a member of, any organization, society, group or assemblage of persons organized or assembled to advocate, teach or aid and abet criminal syndicalism; or

5. Wilfully by personal act or conduct, practices or commits any act advised, advocated, taught or aided and abetted by the doctrine or precept of criminal syndicalism, with intent to accomplish a change in industrial ownership or control, or effecting any political change;

Is guilty of a felony and punishable by imprisonment in the state prison not less than one nor more than fourteen years. Penalty.

SEC. 3. If for any reason any section, clause or provision of this act shall by any court be held unconstitutional then the legislature hereby declares that, irrespective of the unconstitutionality so determined of such section, clause or provision, it Constitutionality

would have enacted and made the law of this state all other sections, clauses and provisions of this act.

Urgency
measure.

SEC. 4. Inasmuch as this act concerns and is necessary to the immediate preservation of the public peace and safety, for the reason that at the present time large numbers of persons are going from place to place in this state advocating, teaching and practicing criminal syndicalism, this act shall take effect upon approval by the governor.

CHAPTER 189.

An act to prevent the sale and use of sulphur containing material quantities of arsenic for the purpose of sulphuring fruits or other foods; to provide a standard for sulphur for sulphuring fruits or other foods, and to provide penalties for the violation of the provisions hereof.

[Approved May 2, 1919. In effect July 22, 1919.]

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

Amount of
arsenic
permitted
in sulphur.

SECTION 1. No person, firm, company or corporation shall sell, offer for sale, or keep for sale sulphur containing more than ten parts per million of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods.

Definition.

SEC. 2. For the purposes of this act the term "sulphur for sulphuring fruits or other foods" shall be construed to mean sulphur which contains not more than ten parts per million of arsenic oxide (As_2O_3).

Sale.

SEC. 3. No person, dealer, jobber, firm, company or corporation shall sell, keep for sale, or offer for sale sulphur for sulphuring fruits or other foods which contains more than ten parts per million of arsenic oxide (As_2O_3). Every package, parcel, bag or container of sulphur for sulphuring fruits or other foods shall be labeled or tagged, and said label or tag shall contain the words in bold faced type, not less than one-fourth inch in height, "Sulphur for sulphuring fruits or other foods." Said label or tag shall also contain the name and address of the person, firm, company or corporation which manufactures, prepares or packs the sulphur.

Use.

SEC. 4. No person, firm, company or corporation shall use sulphur containing more than ten parts per million of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods.

Penalty.

SEC. 5. Any person, firm, company or corporation which violates any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than 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.

SEC. 6. The state board of health is hereby empowered to enforce the provisions of this act and to prescribe the form of tags, or labels to be used, and to prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this act.

Enforcement
by state
board of
health.

CHAPTER 190.

An act to add four new sections to an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, to be numbered thirty a and thirty b, relating to containers of milk and cream and the transportation thereof, thirty c, relating to the manufacture and sale of assembled dairy products and thirty d, providing penalties for violation of the provisions of thirty c.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal

Stats. 1911,
p. 959.

all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, to be numbered thirty *a*, and to read as follows:

Rules and standards for marketing.

Sec. 30*a*. The following rules and standards must be observed by all persons, firms or corporations engaged in the preparation of dairy products for market or delivery thereto:

(1) The owner's name, or other identification mark, the nature of which shall be made known to the dairy inspectors shall appear permanently and in a conspicuous place on or be attached to every milk or cream bottle, can or container.

(2) All milk, cream and ice cream cans, bottles and containers shall be kept clean and shall be thoroughly washed and sterilized after each using.

Sec. 2. A new section is hereby added to the said act, approved April 21, 1911, as amended, to be numbered thirty *b* and to read as follows:

Standards for carriers.

Sec. 30*b*. All carriers of dairy products, whether producer, gratuitous private carrier other than the producer, private carrier for hire, or common carrier, in transporting milk and cream shipping containers shall observe and maintain the following standard:

(1) All cars or other vehicles, while hauling milk or cream, shall be kept clean and all containers shall be so covered as to protect the milk or cream at all times from dust and from the rays of the sun.

(2) All milk or cream cans or other shipping containers, while containing milk, cream, or other dairy products, shall be handled carefully, and kept right end up.

(3) Every vehicle, railway car or boat in which milk or cream is transported shall be kept in a sanitary condition. Every vehicle and every boat transporting milk or cream either shall be enclosed or shall provide canvas covering to protect the milk and cream at all times from the sun or from the outside warm air, except only while taking on or discharging freight. No fowls, fresh meat or other contaminating things shall be kept or carried on top or in close proximity to milk, cream, or other dairy products.

(4) No milk or cream and no empty cans, bottles or other containers shall be hauled in any vehicle for hauling manure or garbage or in any other unclean vehicle, car or boat.

(5) Nothing herein shall be construed to derogate from any powers or authority of the railroad commission of the State of California.

Sec. 3. A new section is hereby added to said act, approved April 21, 1911, as amended, to be numbered thirty *c* and to read as follows:

Rules for assembled dairy products.

Sec. 30*c*. Persons producing or marketing assembled dairy products must conform to the following rules: All the ingredients used in the process of assembling must conform to all the standards of purity set for such ingredients and must have been produced under the same sanitary conditions and regulations required for the production of milk and cream

where such products are sold, and such products must be labeled as herein provided for assembled products in imitation of milk, cream and ice cream.

All assembled dairy products to which has been added any condensed or evaporated milk, or any condensed or evaporated skimmed milk, or any dry milk or milk powder or any skimmed milk or skimmed powder or any butter or sweet butter or dairy products that have been produced by the mechanical assembling of any of the natural ingredients of milk or cream, shall be so labeled on each container thereof with the words "Assembled from milk, butter, milk powder, skim milk or other milk products," as the case may be, correctly naming on the label, bill of sale, invoice and bill of fare, all the ingredients used in such assembled goods, in plain letters of the English language at least one-eighth of an inch in height; and no other names or prefixes shall be used than those by which such ingredients are separately known to the commercial trade.

Sec. 4. A new section is hereby added to said act approved April 21, 1911, as amended, to be numbered thirty *d* and to read as follows:

Sec. 30*d*. Any person who violates any provision of section Penalties. thirty *c* of this act or who directs or knowingly permits an employee to violate any of said provisions, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment.

Any firm, corporation, society or association which violates any of said provisions shall be guilty of a misdemeanor and upon conviction shall be fined as above provided.

In the event an officer, director, manager or managing agent of any firm, corporation, society, or association violates any of the provisions of section thirty *c* of this act, or directs or knowingly permits any employee to violate any of said provisions, such officer, director, manager or managing agent shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment or both as above provided; and, in such a case, the firm, corporation, society or association shall also be guilty and upon conviction shall be fined as above provided. One-half of all such fines shall be paid into the state treasury and placed to the credit of the general fund.

CHAPTER 191.

An act to amend section four hundred seventy of the Political Code, relating to the duties of the attorney general.

[Approved April 30, 1919. In effect July 22, 1910.]

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

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

470. It is the duty of the attorney general:

Duties of
attorney
general.

1. To attend the supreme court and prosecute or defend all causes to which the state, or any officer thereof, in his official capacity is a party; and all causes to which any county may be a party, unless the interest of the county is adverse to the state, or some officer thereof acting in his official capacity;

2. After judgment in any of the causes referred to in the preceding subdivision, to direct the issuing of such process as may be necessary to carry the same into execution;

3. To account for and pay over to the proper officer all moneys which may come into his possession belonging to the state or to any county;

4. To keep a docket of all causes in which he is required to appear, which must during business hours be open to the inspection of the public, and must show the county, district, and court in which the causes have been instituted and tried, and whether they are civil or criminal: if civil, the nature of the demand, the stage of the proceedings, and when prosecuted to judgment, memorandum of the judgment; of any process issued thereon, and whether satisfied or not; if not satisfied, the return of the sheriff; and if criminal, the nature of the crime, the mode of prosecution, the stage of the proceedings, and when prosecuted to sentence, a memorandum of the sentence and of the execution thereof, if the same has been executed, and if not executed, of the reasons of the delay or prevention;

5. To exercise supervisory powers over district attorneys in all matters pertaining to the duties of their offices, and perform any of such duties when, in his judgment, such action is advisable, and, from time to time require of them reports as to the condition of public business intrusted to their charge;

6. To give his opinion in writing, without fee, to the legislature or either house thereof, and to the governor, the secretary of state, controller, treasurer, surveyor general, superintendent of public instruction, the trustees or commissioners of state institutions, and any district attorney when required, upon any question of law relating to their respective offices;

7. When required by the public service, or directed by the governor, to repair to any county in the state and assist the district attorney thereof in the discharge of his duties;

8. To bid upon and purchase, in the name of the state and under the direction of the board of control, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part, of such judgments as the consideration for such purchase;

Duties of
attorney
general.

9. Whenever the property of a judgment debtor in any judgment mentioned in the preceding subdivision has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, under the direction of the board of control, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of control, be paid out of any money appropriated for such purpose;

10. When in his opinion it may be necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as he may find necessary to set aside and annul all conveyances fraudulently made by such judgment debtors, the cost necessary to the prosecution must, when allowed by the board of control, be paid out of any appropriations for the prosecution of delinquents;

11. To report to the governor, at the time required by section three hundred thirty-two of this code, the condition of the affairs of his department, and of the reports received by him from district attorneys.

CHAPTER 192.

An act to amend section two hundred of the Code of Civil Procedure, relating to exemption from jury duty.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

200. A person is exempt from liability to act as a juror if he be:

Exemptions
from jury
service.

1. A judicial, civil, or military officer of the United States, or of this state;

2. A person holding a county, city and county, city, town or township office;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

Exemption
from jury
service.

6. A practicing physician, or practicing licensed dentist, or druggist, actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the national guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or an exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motor-man, or conductor on a railroad; or,

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year as hereinafter provided; *provided, however*, that in counties having less than five thousand population the exemption provided by this subdivision shall not apply.

CHAPTER 193.

An act to amend section six hundred fifty-one of the Code of Civil Procedure, relating to exceptions to decision made after judgment.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

Exceptions
after
judgment

651. Exceptions to any decision made after judgment may be presented to the judge at the time of such decision, and be settled or noted, as provided in section six hundred forty-nine, or a bill thereof may be presented and settled afterward, as provided in section six hundred fifty, and within like periods after written notice of entry of the order, upon appeal from which such decision is reviewable.

CHAPTER 194.

An act to amend section one thousand eleven of the Code of Civil Procedure, relating to the service of notice.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

1011. The service may be personal, by delivery to the party or attorney on whom the service is required to be made, or it may be as follows: Notices and papers, when and how served.

1. If upon an attorney, it may be made during his absence from his office, by leaving the notice or other papers with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office; or, if it is not open so as to admit of such service, then by leaving them at the attorney's residence, with some person of not less than eighteen years of age, if his residence is in the same county with his office; and if his residence is not known, or is not in the same county with his office, or being in the same county it is not open, or there is not found thereat any person of not less than eighteen years of age, then by putting the same, inclosed in a sealed envelope, into the post office directed to such attorney at his office, if known; otherwise to his residence, if known; and if neither his office nor his residence is known, then by delivering the same to the clerk of the court for the attorney;

2. If upon a party, it may be made by leaving the notice or other paper at his residence, between the hours of eight in the morning and six in the evening, with some person of not less than eighteen years of age; if at the time of attempted service between the said hours no such person can be found at his residence, the same may be served by mail; and, if his residence is not known, then by delivering the same to the clerk of the court for such party.

CHAPTER 195.

An act to amend section one thousand five of the Code of Civil Procedure, relating to notice of motion.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

1005. When a written notice of a motion is necessary, it must be given, if the court is held in the county in which at

Notice of motion, when to be given.

least one of the attorneys of the party notified has his office, five days before the time appointed for the hearing; otherwise, ten days. When the notice is served by mail, the number of days before the hearing must be increased one day for every twenty-five miles of distance between the place of deposit and the place of service; such increase, however, not to exceed in all thirty days; but in all cases the court, or a judge thereof, may prescribe a shorter time.

CHAPTER 196.

An act to amend section nine hundred fifty-three of the Code of Civil Procedure, relating to records on appeal.

[Approved May 6, 1919. In effect July 22, 1919.]

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

SECTION 1. Section nine hundred fifty-three of the Code of Civil Procedure of California is hereby amended to read as follows:

Certification of copies and undertakings.

953. The copies provided for in the last three sections must be certified to be correct by the clerk or the attorneys, and must be accompanied with a certificate of the clerk or attorneys that an undertaking on appeal, in due form, has been properly filed, or a stipulation of the parties waiving an undertaking. If it appear that there is any paper or record in the custody of the clerk of the trial court which was before the trial court but which is not included in the record on appeal, and an examination of such paper or record will assist in a determination of the appeal on its merits, the court in which the appeal is pending may, on motion of either party, or on its own motion, require the production of a certified copy of such paper or record, and the same shall thereupon be deemed a part of the record on appeal.

CHAPTER 197.

An act to amend section nine hundred fifty-eight of the Code of Civil Procedure, relating to remittiturs.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

Certification of judgments on appeal.

958. When judgment is rendered upon the appeal, it must be certified by the clerk of the appellate court to the clerk

with whom the judgment roll is filed, or the order appealed from is entered. In cases of appeal from the judgment, the clerk with whom the roll is filed must attach the certificate to the judgment roll, and enter a minute of the judgment of the appellate court on the docket, against the original entry. In cases of appeal from an order, the clerk must enter at length in the records of the court the certificate received, and minute against the entry of the order appealed from, a reference to the certificate, with a brief statement that such order has been affirmed, reversed, or modified, by the appellate court on appeal.

CHAPTER 198.

An act to amend section one thousand thirty-four of the Code of Civil Procedure, relating to costs on appeal.

[Approved May 6, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand thirty-four of the Code of Civil Procedure is hereby amended to read as follows:

1034. Whenever costs are awarded to a party by an appellate court, if he claims such costs, he must, within thirty days after the remittitur is filed with the clerk below, deliver to such clerk and serve upon the adverse party a memorandum of his costs, verified as prescribed by the preceding section. The party dissatisfied with the costs claimed may move to have the same taxed in the same manner and within a like time after notice of filing of the bill of costs, as prescribed by the preceding section. After such costs have been taxed, or the time for taxing the same has expired, execution may issue therefor as upon a judgment.

Costs on appeal.

CHAPTER 199.

An act to amend section one thousand one hundred two of the Code of Civil Procedure, defining writ of prohibition.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

1102. The writ of prohibition is the counterpart of the writ of mandate. It arrests the proceedings of any tribunal, corporation, board, or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.

Writ of prohibition defined.

CHAPTER 200.

An act to amend sections one thousand one hundred thirty-two, and one thousand one hundred forty-two a of the Political Code, relating to elections.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

1132. If the election officers for any precinct in any county or city and county, or the polling place therein have not been designated by the tenth day prior to any election the county clerk or registrar of voters in such county or city and county shall immediately make an order in writing designating the election officers for that precinct or the polling place therein, as the case may require, and notify such officers of their appointment. He shall cause copies of his order to be posted in three public places in the precinct and send one copy thereof to the inspector appointed for that precinct who shall cause the same to be posted at or near such polling place. If the said county clerk or registrar of voters fails to perform the duty herein imposed upon him, the inspector, if one shall have been appointed, shall perform such duty. If any of the members appointed on an election board do not attend at the opening of the polls on the morning of an election, those qualified electors present, including members of the board, shall appoint a qualified elector to fill the vacancy, and if none of the members appointed appear at such time the qualified electors of the precinct present at that time may appoint a board. If for any valid reason the polling place designated for any precinct can not be used, the board of election acting for that precinct on the day of the election shall designate another polling place as near thereto as possible, post notice of the change on or near the place first designated and conduct the election at the place last designated.

SEC. 2. Section one thousand one hundred forty-two a is hereby amended to read as follows:

1142a. On or before the first day of January of each even-numbered year, the secretary of state and the attorney general shall prepare a brief digest of election laws in so far as such laws affect the duties of election officers during the casting and the canvassing of the vote, and the secretary of state shall send a copy of said digest to each county clerk or registrar of voters in each county or city and county. Such digest shall be in such form as will readily indicate to election officers the substance of such provisions of the Political Code or other election laws as they may find it most important to know in the performance of their duties, and shall contain in each case a reference to the section of the said code or laws, by reference

Proceedings
where
election
officers not
designated.

Where
polling
places can
not be used.

Digest of
election
laws.

to which further examination of said provisions may be made. A copy of this digest, together with such further instructions as the county clerk or registrar of voters may desire to make, shall be prepared by him and furnished to each election officer at the time of his appointment according to the provisions of section one thousand one hundred forty-two of this code.

CHAPTER 201.

An act to amend section four hundred twelve of the Code of Civil Procedure, relating to publication of summons, and to repeal an act entitled "An act to amend section four hundred twelve of the Code of Civil Procedure, relating to publication of summons when defendant is absent from state, concealed, or is a foreign corporation having no agent, etc.," approved April 23, 1913.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

412. Where the person on whom service is to be made resides out of the state; or has departed from the state; or can not, after due diligence, be found within the state; or conceals himself to avoid the service of summons; or is a corporation having no officer or other person upon whom summons may be served, who, after due diligence, can be found within the state, and the fact appears by affidavit to the satisfaction of the court, or a judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file, that it is an action which relates to or the subject of which is real or personal property in this state, in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or corporation from any interest therein, such court or judge may make an order that the service be made by the publication of the summons; *provided*, that where service is sought to be made upon a person by publication upon the ground that he can not, after due diligence, be found within the state, it must first appear to the court by the affidavit aforesaid that there has not been filed, on behalf of such person, either in the county in which such action was brought, or in the county in which such action is pending,

Cases in which service of summons may be by publication.

Certificate of residence.

the certificate of residence provided for by section one thousand one hundred sixty-three of the Civil Code; or that said certificate was so filed and that the defendant can not be found at the place named in said certificate, which latter fact must be made to appear by the certificate of the sheriff of the county wherein said defendant claims residence in and by said certificate of residence, and which certificate of said sheriff must show that service of said summons was attempted upon said defendant at the place named in said certificate of residence but that said defendant was not to be found thereat.

Art.
Stats. 1913,
p. 69
repealed.

SEC. 2. An act entitled "An act to amend section four hundred twelve of the Code of Civil Procedure, relating to publication of summons when defendant is absent from state, concealed, or is a foreign corporation having no agent, etc.," approved April 23, 1913, is hereby repealed.

CHAPTER 202.

An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled "An act providing for the time of payment of wages," approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled "An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act," approved June 8, 1915.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Wages of
discharged
employee.

SECTION 1. Whenever an employer discharges an employee, the wages or compensation for labor or service earned and unpaid at the time of such discharge shall become due and payable immediately. Whenever an employee not having a written contract for a definite period quits or resigns his employment, the wages or compensation shall become due and payable not later than seventy-two hours thereafter, unless such employee shall have given seventy-two hours previous notice of his intention to quit, in which latter case such employee shall be entitled to his wages or compensation at the time of quitting.

SEC. 2. All wages or compensation other than those mentioned in section one of this act earned by any person in any employment not exempt by section eleven of this act, shall become due and payable semimonthly or twice during each calendar month, on days to be designated in advance by the employer as the regular pay days; *provided, however, that services rendered between the first and fifteenth days, inclusive, of any calendar month shall be paid for between the sixteenth and the twenty-sixth day of the month during which services were rendered, and for all services rendered between the sixteenth and the last day, inclusive, of any calendar month, said services shall be paid for between the first and tenth day of the following month; provided, however, that in* Wages due semimonthly.

agricultural, viticultural and horticultural pursuits, in stock or poultry raising, and in household domestic service, and when the employees in the said employments are boarded and lodged by the employer, the wages or compensation due any employee remaining in such employment shall become due and payable monthly or once in each calendar month, on a day designated in advance by the employer as the regular pay day, but no two successive such pay days to be more than thirty-one days apart, and the payment or settlement shall include all amounts due for labor or service up to the regular pay day. Exceptions.

SEC. 3. The wages or compensation subject to the provisions of this act shall include all amounts for labor or service performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, or other method of calculating the same, or whether the labor or service is performed under contract, subcontract, partnership, subpartnership, station plan, or other agreement for the performance of labor or service; *provided, that the labor or service to be paid for is performed personally by the person demanding payment.* Nothing contained in this act shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals, or in greater amounts, or in full when or before due. What wages shall include.

SEC. 4. Every employer shall post and keep posted conspicuously at the place of work, if practicable, or otherwise where it can be seen as employees come or go to their place of work, or at the office or nearest agency for payment kept by the employer, a notice specifying the regular pay days and the time and place of payment, also any changes in those regards occurring from time to time. Every employee who is discharged shall be paid at the place of discharge, and every employee who quits or resigns shall be paid at the office or agency of the employer in the county or city and county where such employee has been performing the labor or service for the employer. All payments of money or compensation shall be made in the manner provided by law. In the happening of any strike, the unpaid wages or compensation earned by such striking employeess shall become due and payable on the Notice of time and place of payment.

In case of strike.

employer's next regular pay day, and the payment or settlement shall include all amounts due such striking employees without abatement or reduction, and the employer shall return to each such striking employee any deposit or money or other guaranty required by him from such employee for the faithful performance of the duties of the employment. Any violation of the provisions of this section shall be punishable as for a misdemeanor, and any failure to post any notice as in this section prescribed shall be deemed prima facie evidence of a violation of this act.

Failure of employer to pay.

SEC. 5. In the event that an employer shall wilfully fail to pay, without abatement or reduction, any wages or compensation of any employee who is discharged or who resigns or quits, as in section one of this act provided, then as a penalty for such nonpayment the wages or compensation of such employees shall continue from the due date thereof at the same rate until paid, or until an action therefor shall be commenced; *provided*, that in no case shall such wages continue for more than thirty days; *and provided, further*, that no such employee who secretes or absents himself to avoid payment to him, or who refuses to receive the payment when fully tendered to him, including any penalty then accrued under the provisions of this section, shall be entitled to any benefit under this act for such time as he so avoids payment.

Refusal of employer to pay.

SEC. 6. Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof, who having the ability to pay, shall wilfully refuse to pay the wages due and payable when demanded, as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure for himself, his employer or other person, any discount upon such indebtedness, or with intent to annoy, harass, or oppress, or hinder, or delay, or defraud, the person to whom such indebtedness is due, shall, in addition to any other penalty imposed upon him by this act, be guilty of a misdemeanor.

Enforcement by bureau of labor statistics.

SEC. 7. It shall be the duty of the commissioner of the bureau of labor statistics to inquire diligently for any violations of this act, and to institute the actions for penalties herein provided, and to enforce generally the provisions of this act.

Enforcement by district attorney.

SEC. 8. Nothing herein contained shall be construed to limit the authority of the district attorney of any county or city and county to prosecute actions, both civil and criminal, for such violations of this act as may come to his knowledge, or to enforce the provisions hereof independently and without specific direction of the commissioner of the bureau of labor statistics.

Constitutionality.

SEC. 9. If any section, sentence, clause, or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of

the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

SEC. 10. Nothing in this act shall apply to the payment of wages or compensation of employees directly employed by any county, city and county, incorporated city or town, or other municipal corporation. Nor shall anything herein apply to employees directly employed by the state, any department, bureau, office, board, commission, or institution thereof. All other employments shall for the purposes of this act be deemed private employments and subject to the provisions hereof. Public employment excepted.

SEC. 11. An act entitled "An act providing for the time of payment of wages," approved May 1, 1911, as amended April 28, 1915; and an act entitled "An act to regulate the payment of wages or compensation of employees in private employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act," approved June 8, 1915, are hereby repealed; but such repeal shall not affect any prosecution or action for the violation of either of said acts commenced within the time allowed by the statute of limitations of actions. Acts, Stats. 1911, p. 1268, Stats. 1915, p. 299, and Stats. 1915, p. 1292, repealed.

CHAPTER 203.

An act to amend sections nine, twenty-five and twenty-seven of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. Section nine of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and Stats. 1915, p. 1456.

sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, is hereby amended to read as follows:

Oleomargarine defined.

SEC. 9. For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, milk or cream, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, cocconut-oil, peanut-oil, intestinal fat, and offal-fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; or butter substitute; and for the purposes of this act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Stats. 1917, p. 1637.

SEC. 2. Section twenty-five of said act, approved April 21, 1911, as amended, is hereby amended to read as follows:

Weighing and sampling milk.

SEC. 25. It shall be unlawful for any hauler of milk, or cream, or any person, firm or corporation receiving or purchasing milk or cream by weight or test or both, or by measure or test or both, to fraudulently manipulate the weight, measure or test of milk or cream of any person or to take unfair samples thereof, or to fraudulently manipulate such samples. The hauler or other agent shall weigh or measure the milk or cream of each patron accurately and correctly and shall report such weights or measurements accurately and correctly to the creamery or factory. He shall thoroughly mix the milk or cream of each patron by pouring or stirring until such milk or cream is uniform and homogeneous in richness, before the sample is taken from such milk or cream. When the

weighing or sampling is done at the creamery, shipping station or factory, the same rule shall apply.

It shall be unlawful for any person, firm or corporation, ^{Testing milk.} by himself or as the agent, servant, employee or officer of any person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butter fat contained therein, to under-read, over-read or otherwise fraudulently manipulate the Babcock test used for determining the per cent of butter fat in milk or cream, or to falsify the records thereof or to read the test at any other temperature than the correct one, which is one hundred thirty degrees to one hundred forty degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight, which is seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream; *provided*, that in all tests for cream the cream shall be weighed into the test bottle. All testing of milk or cream purchased on the basis of the amount of butter fat contained therein, shall be done by a licensed tester who shall supervise and be responsible for the operation of the Babcock test of milk or cream. The license shall be issued to such person by the state dairy bureau whose duty it shall be to examine into the qualifications of all applicants for such license, and every such applicant shall satisfy said bureau of his qualifications and comply with the provisions herein before any license shall be issued to him. ^{Tester licensed by state dairy bureau.}

Every creamery, shipping station, milk factory, cheese factory, ice cream factory, condensory, or any person, firm or corporation receiving or purchasing milk or cream on the basis of butter fat contained therein, shall be required to hold a license so to do. The license shall be issued to such creamery, shipping station, milk factory, condensory, ice cream factory, cheese factory, or person, firm or corporation by the state dairy bureau upon complying with all sanitary laws, rules and regulations of the State of California and upon complying with the provisions of this act and upon payment of a license fee as provided for in this section. ^{License to receive milk on basis of butter fat contained.}

All licenses required herein shall expire on the thirty-first day of December of each year and the fee for issuing same shall be one dollar for a full year or twenty-five cents for each remaining quarter or fraction thereof. The licenses may be revoked by the state dairy bureau if, after due notice, the licensee fails or has failed to comply with the laws, rules, and regulations under which the license was granted; *provided*, that the provisions of this section shall not apply to individuals, hotels, restaurants, or boarding houses buying milk or cream for private use. ^{License valid one year.}

The money for license fees as provided for in this section shall be paid by the state dairy bureau into the state treasury and shall become a part of the funds for the use of the state dairy bureau. ^{License fees to be paid into state treasury.}

Stats. 1917,
p. 1659.

SEC. 3. Section twenty-seven of said act approved April 21, 1911, as amended, is hereby amended to read as follows:

Specifica-
tions for
standard
Babcock
testing
glassware.

Sec. 27. The term "standard Babcock testing glassware" shall apply to glassware and weights complying to the following specifications: (a) Graduation for milk test bottles. The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters (two and one-half inches) and the graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduation shall not be less than three millimeters in length; the five-tenths per cent graduations shall be one millimeter longer than the tenths per cent graduations, projecting one millimeter to the left; the whole per cent graduations shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

The neck shall be cylindrical and the cylindrical shape shall extend for at least nine millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between thirty-four and thirty-six millimeters; if conical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters, and the maximum diameter between thirty-five and thirty-seven millimeters. The charge of the bottle shall be eighteen grams. The total height of the bottom shall be between one hundred fifty and one hundred sixty-five millimeters (five and seven-eighths and six and one-half inches).

(b) Two types of bottles shall be accepted as standard cream test bottles, a fifty per cent nine gram long-neck bottle, and a fifty per cent eighteen gram long-neck bottle.

Fifty per cent, nine gram, long-neck bottle: Graduation—The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters (four and three-quarters inches). The graduation shall represent five per cent, one per cent and five-tenths per cent. The five per cent graduations shall extend at least half way around the neck (to the right). The five-tenths per cent graduations shall be at least three millimeters in length and the one per cent graduations shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each five per cent graduation shall be numbered, the number being placed on the left of the scale.

Neck—The neck shall be cylindrical and of uniform internal

diameter throughout. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Specifications for standard Babcock testing glassware.

Bulb—The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical the outside diameter shall be between thirty-four and thirty-six millimeters; if conical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters and the maximum diameter between thirty-five and thirty-seven millimeters.

The charge of the bottle shall be nine grams. All bottles shall bear on top of the neck above the graduations, in plain legible characters, a mark defining the weight of the charge to be used (9 grams).

The total height of the bottle shall be two hundred ten to two hundred thirty-five millimeters (eight and one-fourth to nine and one-quarter inches) and the maximum error in the total graduation or in any part thereof shall not exceed fifty per cent of the volume of the smallest unit of the graduation.

The fifty per cent, eighteen gram, long-neck bottle. The same specifications in every detail as specified for the fifty per cent, nine gram, long-neck bottle, shall apply, with the exception that the charge of the bottle shall be eighteen grams, and the mark defining the weight of the charge placed at the top of the neck shall be eighteen.

The total length of the standard Babcock pipette shall be not more than three hundred thirty millimeters (thirteen and one-fourth inches). Outside diameter of suction tube, six to eight millimeters. Length of suction tube, one hundred thirty millimeters. Outside diameter of delivery tube four and five-tenths to five and five-tenths millimeters. The length of delivery tube one hundred to one hundred twenty millimeters. Distance of graduation mark above bulb, thirty to sixty millimeters. Nozzle straight. Delivery seventeen and six-tenths cubic centimeters of water at twenty degrees centigrade in five to eight seconds.

The sensibility of all scales used for weighing cream samples into the test bottles shall be not more than thirty milligrams and the standard weights shall be nine grams and eighteen grams.

In all testing of milk or cream where the same is received or purchased upon the basis of the amount of butter fat contained therein, the Babcock tester shall be operated at the proper speed, which is as follows:

Speed of tester.

For tester with diameter of fourteen inches the speed shall be between eight hundred twenty-five and nine hundred seventy-five revolutions per minute.

Speed
of tester

For tester with diameter of sixteen inches, the speed shall be between eight hundred twenty-five and eight hundred seventy-five revolutions per minute.

For tester with diameter of eighteen inches, the speed shall be between seven hundred seventy-five and eight hundred twenty-five revolutions per minute.

For tester with diameter of twenty inches, the speed shall be between seven hundred twenty-five and seven hundred seventy-five revolutions per minute.

For tester with a diameter of twenty-four inches, the speed shall be between five hundred seventy-five and six hundred twenty-five revolutions per minute.

CHAPTER 204.

An act to amend section six of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violation of this act," approved May 26, 1913, and to add two new sections thereto to be numbered three and one-half and eleven b, relating to the powers and duties of the commission.

[Approved May 5, 1919. In effect July 22, 1919.]

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

Stats. 1913,
p. 632.

SECTION 1. A new section is hereby added to an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violation of this act," approved May 26, 1913, to be known as section three and one-half and to read as follows:

Power to
issue
subpœnas,
etc.

Sec. 3½. Any member of the commission or deputies duly authorized by it in writing, shall have the power and authority to issue subpœnas to compel the attendance of witnesses or parties and the production of books, papers, pay rolls or records, and to administer oaths and to examine witnesses under oaths and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act, or any of its orders, rules or regulations; *provided*, that no witness shall be compelled to attend on said commission outside of the county in which said witness resides or at a distance greater than fifty miles from his place of residence.

Obedience to subpœnas issued by the commission or its duly authorized representatives shall be enforced in the superior

courts of the county or city and county in which the subpoenas were issued.

SEC. 2. Section six of said act is hereby amended to read Stats. 1913, p. 634.
as follows:

Sec. 6. (a) The commission shall have further power after a public hearing had upon its own motion or upon petition, Power to fix wages, hours, etc
to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided*, that the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

(b) Upon the fixing of the time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to it in subsection (a) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, and Sacramento, and in the city and county of San Francisco, and shall give due notice in at least one newspaper published in each of the cities of Fresno, Eureka, San Diego, Long Beach, Alameda, Berkeley and Stockton, and by mailing a copy of said notice to the county recorder of each county in the state to be posted at the court house of each county, or city and county, and to each association of employers or employees of fifteen or more members within the State of California which shall file with the commission a written request for such notice of such hearing and purpose thereof; which notice shall state the time and place fixed for such hearing, which shall not be earlier than fourteen days from the date of publication and mailing of such notices. Notice of hearing.

(c) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women or minors in the occupation in question, and the maximum hours; *provided*, that the hours specified shall not be more than the maximum for women or minors in California, and the standard conditions of labor for said women or minors; *provided, however*, that no such order shall become effective until after April 1, 1914. Such order shall be published in at least one newspaper in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and a copy thereof be mailed to the county recorder of each county in the state, and such copy shall be filed Mandatory order specifying wages.

Notice to
employer.

without charge. The industrial welfare commission shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed. Failure to mail notice to the employer shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to county recorders shall be conclusive as to service.

SEC. 3. A new section is hereby added to said act to be known as section eleven *b* and to read as follows:

Enforcement.

Sec. 11*b*. It shall be the duty of the industrial welfare commission to enforce the provisions of this act and compliance with its orders, rules and regulations. Full power and authority is hereby vested in the commission to take such action as may be deemed essential for such purposes.

CHAPTER 205.

An act to amend section one thousand one hundred twenty-eight of the Penal Code, relating to the custody of the jury.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand one hundred twenty-eight of the Penal Code is hereby amended so as to read as follows:

Custody
of jury.

1128. After hearing the charge, the jury may either decide in court or may retire for deliberation. If they do not agree without retiring, an officer must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor to do so himself, unless by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court; *provided, however*, that when the jury is composed of both men and women, in the event that it shall become necessary to retire for the night, the women must be kept in a room or rooms separate and apart from the men.

Separate
room for
women.

CHAPTER 206.

An act to amend section three thousand six hundred twelve of the Political Code, relating to exemption from taxation of property belonging to veterans of wars.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

3612. 1. The state board of equalization shall prescribe all procedure, affidavits and forms required to carry into effect the tax exemption on property specified in section one and one-fourth of article thirteen of the constitution.

Procedure
for tax
exemption
of veterans.

2. Every person entitled to or applying for the exemption from taxation specified in said provision of the constitution shall appear before the assessor or deputy assessor and shall give all information required and answer all questions contained in the forms and affidavit prescribed by said board, and thereupon shall subscribe and swear to the same before such assessor or deputy. Any false statement made or sworn to in such affidavit shall constitute and be punishable as perjury.

Affidavits of
applicants
for
exemption

3. Any assessor may, in his discretion, require other or additional proof of the facts stated by such affiant before allowing the exemption claimed. Failure upon the part of any person entitled to such exemption to make affidavit or furnish evidence as required by this section between the first Monday in March and the first Monday in July of each year shall be deemed and treated as a waiver of such exemption by such person.

Assessor
may require
additional
proof.

4. The following are recognized as wars within the intent and meaning of said section of the constitution:

Recognized
wars.

(a) Revolutionary war—April 19, 1775—January 14, 1784;
(b) Second war with England—June 18, 1812—February 17, 1815;

(c) Black Hawk war—April 6, 1832—August 2, 1832;

(d) War with Mexico—April 24, 1846—May 30, 1848;

(e) Civil war—April 19, 1861—August 20, 1866;

(f) War with Spain—April 21, 1898—April 11, 1899;

(g) War in Philippines—April 11, 1899—July 4, 1902;

(h) Campaign against the Rogue River, Yakima, Nez Perce and Snake Indians in Oregon and Washington, 1855—1856;

(i) Campaign against the Indians in southern Oregon and Idaho and northern part of California and Nevada, 1865—1868;

(j) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches, in Kansas, Colorado and Indian Territory, 1867, 1868 and 1869;

(k) Modoc war, 1872 and 1873;

(l) Campaign against the Apaches of Arizona. 1873;

Recognized
wars.

(m) Campaign against the Kiowas, Comanches and Cheyennes, in Kansas, Colorado, Texas, Indian Territory and New Mexico, 1874 and 1875;

(n) Campaign against the Northern Cheyennes and Sioux, 1876 and 1877;

(o) Nez Perce war, 1877;

(p) Bannock war, 1878;

(q) Campaign against the Northern Cheyennes, 1878 and 1879;

(r) Campaign against the Ute Indians in Colorado and Utah, September, 1879, to November, 1880;

(s) Campaign against the Apache Indians in Arizona, 1885 and 1886;

(t) Campaign against the Sioux Indians in South Dakota, November, 1890, to January, 1891;

(u) War with Germany-Austria, April 6, 1917.

CHAPTER 207.

An act to amend an act entitled "An act providing for the sale of certain state lands," approved May 19, 1915, by extending the provisions thereof to certain lands heretofore reserved from sale, and by providing for the sale or exchange of such lands.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Stats. 1915,
p. 605.

SECTION 1. An act entitled "An act providing for the sale of certain state lands," approved May 19, 1915, is hereby amended to read as follows:

Sale of
school lands
authorized.

Section 1. The unsold portions of the sixteenth and thirty-sixth sections of school lands not included within the exterior boundaries of national reservations, the unsold portions of the five hundred thousand acres granted to the state for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant which are not suitable for cultivation shall be sold at public auction to citizens of the United States by the surveyor general under rules and regulations prescribed by him, payment to be made as follows: The full purchase price of the land, or ten per cent thereof and interest to the first day of January following at the rate of six per cent per annum on the unpaid balance of the purchase price, to be paid at the time of sale; the unpaid balance of the purchase price shall bear interest at the rate of six per cent per annum, payable in advance on the first day of each year, at which time the purchaser may pay as many one-tenths of the purchase price as he may desire;

provided, that the legislature may require the payment of the unpaid balance of the purchase price within five years after the passage of an act requiring such payment. All payments to be made to the county treasurer of the county in which the land is situated.

SEC. 2. From and after the date upon which this act takes effect, the surveyor general may sell in like manner and upon like conditions as to payment and interest any of the lands heretofore reserved from sale by the provisions of section three thousand four hundred eight *b* of the Political Code which have not been used as bases for indemnity selections, as provided in section three thousand four hundred six *a* of said code, or otherwise disposed of under any law of this state; *provided, however*, lands which in his judgment contain growth valuable for forest-cover protection to watersheds, or are valuable for reservoir sites, shall not be sold or exchanged under the provisions of this act.

Whenever he shall deem it to the advantage of the state so to do, he may, with the concurrence of the state board of control, exchange for lands of the United States of equal area, pursuant to law, any of said reserved lands in place, and the lands so acquired in exchange may be thereafter sold in the same manner and upon like conditions as to payment and interest as hereinabove set forth. Nothing herein contained shall be construed to affect the right of the surveyor general to use as bases for indemnity scrip, as provided in sections three thousand four hundred six *a*, three thousand four hundred eight *b*, three thousand four hundred eight *c* and three thousand four hundred eight *d* of the Political Code, any of said reserved lands not otherwise disposed of under the provisions of this act.

Exchange
for lands
of United
States.

SEC. 3. Whenever any person shall make actual settlement, in good faith, upon any such land, with intent to purchase the same pursuant to the provisions of an act entitled "An act providing for the sale of certain state lands suitable for cultivation," approved May 19, 1915, and the surveyor general shall, thereafter, upon an examination of such lands, determine it to be unsuitable for cultivation, he may, with the concurrence of the state board of control, fix a price at which such land may be sold to such actual settler, as provided in the act last named, and such actual settler shall have the right to purchase such land, at the price so fixed, at any time within a period of six months thereafter. The purchase price of all timber lands shall be paid in full at the time of sale.

Purchase
of land by
settler.

SEC. 4. In any and all notices of public sale, the surveyor general shall reserve the right to reject any and all bids.

Rejection
of bids.

SEC. 5. When the full purchase price has been paid the purchaser shall be entitled to a patent for the land.

Patent.

SEC. 6. Those parts of all acts in conflict with this act are hereby repealed.

Repealed.

CHAPTER 208.

An act to amend an act entitled "An act providing for the sale of certain state lands suitable for cultivation," approved May 19, 1915.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Stats 1915,
p. 634.

School lands
suitable for
cultivation
to be sold.

Price.

Actual
settlers
defined.

Purchase
of land by
settler.

SECTION 1. An act entitled "An act providing for the sale of certain state lands suitable for cultivation," approved May 19, 1915, is hereby amended to read as follows:

Section 1. The unsold portions of the sixteenth and thirty-sixth sections of school lands not included within the exterior boundaries of national reservations, the unsold portions of the five hundred thousand acres granted to the state for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant, which are suitable for cultivation shall be sold to actual settlers in quantities not exceeding three hundred twenty acres to any one person under the provisions of section three thousand four hundred ninety-five of the Political Code, at a price to be fixed by the state board of control and the state surveyor general, payment to be made as follows: The full purchase price of the land, or ten per cent thereof and interest to the first day of January following, at the rate of six per cent per annum on the unpaid balance of the purchase price; the unpaid balance of the purchase price shall bear interest at the rate of six per cent per annum, payable in advance on the first day of each year, at which time the purchaser may pay as many one-tenths of the purchase price as he may desire; *provided*, that the legislature may require the payment of the unpaid balance of the purchase price within five years after the passage of an act requiring such payment.

Sec. 2. Actual settlers, within the meaning of this act, are persons who have resided in good faith on the land for a period of not less than one year, to the exclusion of any other residence or fixed place of habitation during such time.

Sec. 3. Any person who shall in good faith settle upon any land in the belief that the same was suitable for cultivation shall, in the event the surveyor general, upon inspection, determines said land to be unsuitable for cultivation, be a preferred purchaser for a period of six months from the date of such decision; *provided*, that in cases where the surveyor general has heretofore decided that lands settled upon were unsuitable for cultivation said settlers shall be preferred purchasers for a period of six months from the date that this act takes effect.

CHAPTER 209.

An act to amend section four thousand ninety-five of the Political Code, relating to warrants.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

4095. All warrants issued by the auditor during each fiscal year, commencing with the first of each fiscal year, must be numbered consecutively and the number, date, amount of each, and the name of the person to whom payable and the purpose for which drawn, must be stated thereon, and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years, they shall be canceled. Separate series of numbers may be used for the different kind of warrants, such as pay roll warrants and general warrants drawn for miscellaneous supplies and expenses, and special warrants drawn on court orders, etc.

Warrants to be numbered.

CHAPTER 210.

An act to amend sections fifty-one and fifty-two of the Civil Code, relating to the personal rights of citizens and prescribing damages for the violation thereof.

[Approved May 5, 1919. In effect July 22, 1919.]

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

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

51. All citizens within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating houses, barber shops, bath houses, theaters, skating rinks, public conveyances, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

All persons have equal personal rights.

SEC. 2. Section fifty-two of the Civil Code is hereby amended to read as follows:

52. Whoever denies to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges enumerated in section fifty-one of this code, or who aids, or incites, such denial, or whoever makes any discrimination, distinction or restriction on account of color or race, or except for good cause, applicable

Damages for violation of personal rights.

Damages for violation of personal rights.

alike to citizens of every color or race whatsoever, in respect to the admission of any citizen to, or his treatment in, any inn, hotel, restaurant, eating house, barber shop, bath house, theater, skating rink, public conveyance, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction or restriction, for each and every such offense is liable in damages in an amount not less than one hundred dollars, which may be recovered in an action at law brought for that purpose.

CHAPTER 211.

An act granting certain tidelands and submerged lands of the State of California to the city of Albany, and regulating the management, use and control thereof.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Tidelands granted to city of Albany.

SECTION 1. There is hereby granted to the city of Albany, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the city of Albany, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

Conditions of grant.

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city or its successors shall not, at any time, grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation, for any purposes whatever; *provided*, that said city or its successors may grant franchises thereon, for limited periods, but in no event exceeding fifty years for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding fifty years, for the purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without

charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. Conditions of grant.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

CHAPTER 212.

An act to amend section seven hundred sixty-three of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. Section seven hundred sixty-three of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats. 1880, p. 300.

Sec. 763. No resolution granting any franchise, and no ordinance for any purpose, shall be passed by the board of trustees on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, or an adjourned regular meeting, and no such resolution and no ordinance granting any franchise shall be passed without being first submitted to the city attorney. No resolution or order for the payment of money shall be passed at any other than a regular meeting, or an adjourned regular meeting, and no resolution or order for the payment of money, no resolution granting a franchise, and no ordinance for any purpose, shall have any validity or effect unless passed by the affirmative vote of at least three trustees. In cases of urgency the board of trustees by a four-fifths vote may adopt any ordinance or resolution affecting the health and safety of the public on the day of its introduction or at any regular or special meeting. Limitation on passage of ordinances.

CHAPTER 213.

An act to provide for the gathering of data concerning teachers of California who are bound by the provisions of "An act to provide for the payment of retirement salaries to the public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds and making an appropriation for the uses of said funds," approved June 16, 1913.

[Approved May 3, 1919. In effect July 22, 1919.]

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

Teachers bound by retirement plan to file data.

SECTION 1. During the month of November, 1919, each teacher in the public schools of California, each teacher in a state normal school and each school administrator or other person who is bound by the provisions of "An act to provide for the payment of retirement salaries to the public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds and making an appropriation for the uses of said funds," approved June 16, 1913, shall file with the state board of education at its offices in Sacramento, in person or by registered mail, a statement made under oath, of his age at his nearest birthday, his teaching experience in the public schools of California, his teaching experience in the public schools of other states of the United States of America, and any other experience he may have had in public schools or in the service of the state that may be counted as service under the provisions of said act, and such other information as may be required by said state board of education for the purpose of making an investigation and estimate of probable future expenditures from such fund.

Records confidential.

SEC. 2. All such statements shall be considered confidential and no individual records shall be divulged by any official who has access to them and shall be used by the state board of education solely for the purpose of making such investigation and estimate, and such statements shall not be open to inspection by anyone except the state board of education, and its officers, or any person authorized to make such inspection by the legislature.

List to be filed with county superintendent.

SEC. 3. On or before January 1, 1920, the state board of education shall file with the county superintendent of schools of each county, a list of the names of all teachers of such county who have filed the statement hereinbefore referred to. Upon receipt of such list, it shall be the duty of the county superintendent of schools to withhold payment of the first warrant for the payment of the salary of each teacher bound by the provisions of said act, who, being employed during

the month of November, 1919, shall have failed to file such statement, and shall not issue a warrant for such payment until such statement has been filed with the state board of education and a receipt therefor presented.

CHAPTER 214.

An act to amend an act entitled "An act to provide for the resalection by the state of lands heretofore selected and sold by the state where the selection has been rejected or canceled because of the subsequent exclusion of the base lands from a national forest; and prescribing certain maximum fees to be charged by agents or attorneys for services performed hereunder, and prescribing penalties for the violation hereof," approved May 26, 1917, by amending section one thereof, relating to the duties of the surveyor general.

[Approved May 6, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of an act entitled "An act to provide for the resalection by the state of lands heretofore selected and sold by the state where the selection has been rejected or canceled because of the subsequent exclusion of the base lands from a national forest; and prescribing certain maximum fees to be charged by agents or attorneys for services performed hereunder, and prescribing penalties for the violation hereof," approved May 26, 1917, is hereby amended to read as follows:

Section 1. Where the state has made a selection of other land in lieu of a sixteenth or thirty-sixth section located within a national forest which had been created by proclamation of the President of the United States at or prior to the date when such selection was made and said selection has been or may be held for cancellation, or canceled, because the base land was thereafter excluded from such national forest, the surveyor general shall make an amendatory selection or a new selection upon application of the record owner of the certificate of purchase issued for the selected land; *provided*, that the applicant for a resalection forwards to the surveyor general the fees required by the United States land office; and *provided, further*, that nothing herein contained shall be construed to require the surveyor general to make any such amendatory selection or new selection in any case wherein the base land originally assigned in support of such selection was situate within an area temporarily withdrawn from entry for purposes of examination, by order of the secretary of the interior, and was thereafter restored to the public domain without ever having been in fact incorporated within a national forest or a permanent forest reserve.

Stats. 1917,
p. 1218.

Reselection
of land when
selection
rejected.

CHAPTER 215.

An act defining "food commodities" and "food warehouseman"; declaring food warehousemen to be public utilities and subject to control and regulation by the railroad commission as specifically provided; prohibiting the storage of food commodities except in accordance with the provisions of this act; making unlawful certain discriminating and monopolizing practices by food warehousemen and those dealing with food warehousemen, except as provided by the railroad commission; requiring food warehousemen to file schedules showing certain rates, charges, and other matters with the railroad commission and to keep the same open to public inspection, and providing for the uniform operation of such rates and charges, and prohibiting the business of storing food commodities unless such schedules are filed and made public, and empowering the railroad commission to fix the rates, charges, rules and regulations of food warehousemen, to change the form of such schedules and forbidding, except as otherwise ordered by the railroad commission, changes in or departures from such schedules except on certain conditions, and forbidding acceptance of rates or charges differing from the rates or charges in such schedules by those dealing with food warehousemen, subject to exceptions by the railroad commission; declaring certain contracts illegal and void and forbidding recovery thereon; providing for applications and complaints and other procedure before the railroad commission and the courts in matters wherein authority is conferred by this act upon the commission; defining the duties of the attorney general upon the violation of certain provisions; providing for actions to enjoin violations of certain provisions and to recover damages for such violations; making the violation of certain provisions a misdemeanor; and providing penalties; and declaring the purpose and effect of this act.

[Approved May 5, 1919. In effect July 22, 1919.]

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

Title. SECTION 1. This act shall be known as the "food warehousemen act," and shall apply to the public utilities herein described. The term "food commodities" as used in this act shall be construed to mean all products, stuffs, preparations, substances, or articles which are customary or proper for food for human beings, and shall include meat and meat products, fruit, vegetables, fresh fish, shellfish, game, poultry, eggs, butter, cheese and milk.

"Commis-
sion." SEC. 2. The term "commission" when used in this act means the railroad commission of the State of California. The term "commissioner" when used in this act means one

of the members of the commission. The term "corporation" ^{"Corporation."} when used in this act, includes a corporation, a company, an association and a joint stock association. The term "person" ^{"Person."} when used in this act, includes an individual, a firm and a co-partnership. The term "food warehouseman" ^{"Food warehouseman."} as used in this act shall be construed to mean and shall include every person, or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating, or managing any building, structure, warehouse, elevator or plant in which food commodities, regularly received from the public generally, are stored for compensation, including cold storage plants and refrigerating plants, but not including private homes, hotels, restaurants or exclusively retail establishments or others not storing articles of food for other persons for compensation. Every person, or corporation controlling, operating, or managing any building, structure, warehouse, elevator, or plant as aforesaid, shall be deemed to be engaged in the storage of food commodities within the meaning of this act.

SEC. 3. Every food warehouseman doing business in the State of California is hereby declared to be a public utility, and subject to the jurisdiction, control and regulation of the railroad commission of the State of California as hereinafter in this act provided. ^{Food warehouses declared public utilities.}

No food warehousemen shall engage in the storage of food commodities in the State of California, except in accordance with the provisions of this act.

SEC. 4. It shall be unlawful for any food warehouseman, doing business in the State of California, to discriminate, attempt to discriminate between persons, firms or corporations offering food commodities for storage or desiring to avail themselves of the warehousing or storage facilities afforded by such food warehouseman; or to accept food commodities from any person, firm or corporation at rates or charges in excess of rates or charges exacted or received from other persons, firms or corporations for the same or substantially similar warehousing or storage service; or to grant, allow, or deduct from the rates or charges exacted or received for warehousing or storage service from any person, firm, or corporation any rebate, discount, deduction, concession, refund, or remittance not granted and allowed to all other persons, firms, or corporations under the same or substantially similar circumstances and conditions; or to make or give, or attempt to make or give, any preference or advantage to any person, firm or corporation not made or given to every other person, firm or corporation; or by any scheme of rebates, discounts, deductions, concessions, refunds, remittances, collateral contracts, discriminating charges, discriminating rates, or in the service or facilities afforded, or by any other device whatsoever, discriminate or show preference, or attempt to discriminate or show preference, between persons, firms, or corporations offering food commodities for storage; or by any of the practices or devices ^{Discrimination by warehousemen unlawful.}

aforesaid to monopolize or attempt to monopolize, or combine, or conspire with others to monopolize in any locality the business of storing food commodities; and it shall likewise be unlawful for any person, firm or corporation to solicit, accept, receive or attempt to obtain from any food warehouseman any rebate, discount, deduction, concession, refund, or remittance, or to solicit, accept, receive, or attempt to obtain from any food warehouseman, any preference, or advantage, either in rates or charges, or in service or facilities afforded.

Power of
commission.

The railroad commission shall have full power to determine any fact or question arising under this section and is empowered after hearing by appropriate order to enforce the provisions thereof, and may by rule or order establish from time to time such exceptions from the operation of the prohibitions of this section as it may consider just and reasonable.

Schedule
of rates to
be filed.

SEC. 5. Every food warehouseman doing business in the State of California shall file with the railroad commission within such time and in such form as the commission may designate and shall also print and keep open to public inspection at each and every building, structure, warehouse, elevator, or plant for the storing or warehousing of food commodities maintained by him in said state, schedules showing all rates and charges, which are in force for warehousing and storage services of every description, including sorting, handling, weighing, elevating, and packing charges, and all charges directly or indirectly connected with such services, together with all rules and regulations which in any manner affect or relate to rates or charges, and showing plainly when the same became effective, such rates to be uniform in their operation and to apply with equal force and effect to all persons, firms or corporations dealing with said food warehouseman. The railroad commission shall have power after hearing to fix and determine any such rate, charge, rule or regulation, and prescribe by order such changes in the form of the schedules referred to in this section as it may find to be just and reasonable. Unless the commission otherwise orders, no change shall be made by any food warehouseman in any rate or charge, or in any rules or regulations affecting rates or charges, except by permission of the railroad commission after thirty days notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open to public inspection, as aforesaid, new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. No food warehouseman shall engage in the business of storing food commodities unless the rates and charges upon which the same are stored are filed and open to public

Permission of
commission
to change.

inspection as aforesaid. No food warehouseman shall refund or remit in any manner or by any device, any portion of the rates or charges filed and open to public inspection as aforesaid, or demand, collect, or receive, directly or indirectly from any person, firm or corporation, any different sum for warehousing or storage services than the rates and charges filed and open to public inspection as aforesaid, or directly or indirectly make any charge for such services not shown by the schedule aforesaid; nor shall any person, firm, or corporation solicit, accept, receive, or attempt to obtain from any food warehouseman any rate or charge not filed and open to public inspection as aforesaid.

Refunds prohibited.

The railroad commission shall have full power and jurisdiction to determine any fact or question arising under this section and is hereby empowered after hearing by appropriate order to enforce the provisions thereof and may by rule or order establish from time to time such exceptions from the operation of the prohibitions aforesaid, as it may consider just and reasonable.

Power of commission.

SEC. 6. Every contract, expressed or implied, made by any person, firm or corporation in violation of the provisions of section four or section five of this act, is declared to be illegal and to be utterly void and no recovery thereon shall be had.

Contracts in violation void.

SEC. 7. In all respects in which the railroad commission has power and authority under the provisions of section four or section five of this act, applications and complaints on the commissions on motion or otherwise may be made and filed with the railroad commission, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review or mandate filed with the supreme court of the State of California, considered and disposed of by said court, in the manner, under the conditions and subject to the limitations and with the effect specified in the public utilities act.

Procedure as specified in public utilities act.

SEC. 8. The attorney general of the State of California is authorized and directed, whenever he has reasonable grounds to believe that any person, firm or corporation has knowingly accepted or received from any food warehouseman, directly or indirectly, any rebate, discount, deduction, concession, refund or remittance from the rates or charges filed and open to public inspection as in section five of this act required, to prosecute a civil action in the name of the people of the State of California in the proper court to collect three times the total sum of such rebates, discounts, deductions, concessions, refunds, or remittances so accepted or received within three years prior to the commencement of such action.

Action by attorney general to collect rebates, etc.

SEC. 9. Any person, firm or corporation may maintain an action to enjoin a continuance of any act or acts in violation of section four or section five of this act, or of any order, rule or regulation of the railroad commission made or enacted by said commission pursuant to the power and authority vested in said commission by said sections of this act, and, if

Action to enjoin violations.

injured thereby, for the recovery of damages in an amount equal to three times the amount of actual damages sustained. If in such action, the court shall find that the defendant is violating section four or section five of this act, or any order, rule, or regulation of the railroad commission, made or enacted by said commission pursuant to the power and authority vested in said commission by said sections of this act, it shall enjoin the defendant from a continuance of such violation, and it shall not be necessary to allege or prove actual damage to plaintiff in addition thereto.

Penalty.

SEC. 10. Any person or persons, or corporation, who, or which shall violate section four or section five of this act, or any order, rule, or regulation of the railroad commission made or enacted by said commission pursuant to the power and authority vested in said commission by said sections of this act, or who shall procure, aid or abet any person, firm or corporation in any such violation, shall be guilty of a misdemeanor, and upon conviction thereof, shall, if a person, be punished by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding six months or by both such fine and imprisonment, and, if a corporation, by a fine not exceeding three thousand dollars. In construing and enforcing the provisions of this act, the act, omission, or failure of any director, agent, employee, or other person acting for or employed by any person, firm or corporation, acting within the scope of his employment, shall in every case be also deemed to be the act, omission or failure of such person, firm, or corporation as well as that of such director, officer, agent, employee, or person.

Constitutionality.

SEC. 11. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses, or phrases be declared unconstitutional.

Purpose of act.

SEC. 12. The legislature hereby declares that the purpose of this act is to safeguard the public against the creation and perpetuation of monopolies, and to foster and encourage competition, by prohibiting unfair and discriminating practices by which fair and honest competition is destroyed. The legislature hereby further declares that food warehousemen, as defined in section two of this act, are engaged in a business, tending to monopoly, and that by reason of such monopolistic tendency and by reason of its vital connection with the distribution of public necessities, such business is clothed with a public interest and subject to public regulation and control for the public welfare as a public utility, as in this act provided. This act shall be liberally construed that its beneficial purpose may be subserved. The remedies herein prescribed are cumulative. If any conflict shall arise between this act and the public utilities act, the latter shall prevail.

CHAPTER 216.

An act to amend section seven hundred fifty-two of the Code of Civil Procedure, relating to actions for the partition of real property.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

752. When several co-tenants own real property as joint tenants, or tenants in common, in which one or more of them have an estate of inheritance, or for life or lives, or for years, an action may be brought by one or more of such persons for a partition thereof according to the respective rights of the persons interested therein, and for a sale of such property, or a part thereof, if it appears that a partition cannot be made without great prejudice to the owners.

Who may bring actions for partition.

CHAPTER 217.

An act to amend section one thousand two hundred three of the Political Code, relating to election supplies.

[Approved May 5, 1919. In effect July 22, 1919.]

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

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

1203. All officers upon whom is imposed, by law of the state, the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot box, to be marked on the outside "municipal tickets"; and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guardrail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes, and of such booths or compartments. The arrangement shall be such that neither the ballot boxes nor the box booths or compartments shall be hidden from the view of those just outside the said guardrail. The number of such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors

Ballot boxes

Booths for voters.

engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the board of election, and then only for the purpose of keeping order and enforcing the law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots; *provided*, that no such supplies or conveniences shall be furnished other than the ink pads and stamps by which a cross (X) may be made as herein provided for. And the election officers shall especially see that the stamps and ink pads required are at all times in such booths and in condition for proper use; and all officers upon whom is imposed, by the law, the duty of designating polling places shall supply each polling place with several stamps and several ink pads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece; *provided, however*, that nothing herein contained shall prevent an elector from using a pencil for the purpose of writing in on the ballot the name of any candidate for whom he desires to vote.

Names may be written in on ballot in pencil.

CHAPTER 218.

An act to amend section one thousand two hundred six of the Political Code, relating to elections.

[Approved May 5, 1919. In effect July 22, 1919.]

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

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

Occupancy of booths.

1206. No more than one person shall be permitted to occupy any one booth, at one time, and no person shall remain in or occupy a booth longer than necessary to prepare his ballot, and in no event longer than ten minutes. The board having charge and control of elections shall not furnish for use in the voting compartments any other or additional means or method by which a ballot may be marked than the ink pads and rubber stamps by which a cross (X) may be made as provided for in this code; *provided, however*, that nothing herein contained shall prevent an elector from using a pencil for the purpose of writing in on the ballot the name of any candidate for whom he desires to vote.

Name: may be written in on ballot in pencil.

CHAPTER 219.

An act to add a new section to the Code of Civil Procedure to be numbered one hundred three e, authorizing city justices in city or towns of the second class to appoint clerks.

[Approved May 6, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered one hundred three e and to read as follows:

103e. In every city or town of the second class each justice of the peace of said city shall have a clerk who shall be appointed by each justice of the peace and who shall hold office during the pleasure of said justice. Said clerks shall be appointed immediately upon this act taking effect and shall take the oath of office prescribed for county officers, and each one shall give a bond in the sum of one thousand dollars conditioned for the faithful discharge of the duties of the office, which bond shall be approved and filed in the same manner as are bonds of county officers. Each of said justice's clerks shall be authorized to administer oaths take and certify affidavits and shall be authorized to issue, and sign writs, summons and all other processes in any action or proceeding in the justice's court of the city for which they are appointed or pending before any justice of the peace in said city in the name of the justice before whom the same is pending or out of whose court the same is issued which shall be in substantially the following form:

Justice's clerks in cities of second class.

Powers and duties.

Justice of the Peace.
By -----
Clerk.

All legal papers of every kind in actions or proceedings in the justice's court shall be issued by each of said clerks in the manner and form hereinabove set out. The said justices' clerks shall issue, sign or certify to any and all papers, transcripts or records which are required to be issued, signed or certified by the said justices of the peace. All complaints, answers, and all other pleadings and papers required to be filed in said justice's court shall be filed with either one of the clerks, of said court who shall keep a permanent record of all such actions and proceedings in the justice's docket, now provided by law to be kept by the justice. The said clerks shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same. All fees for the issuance of all processes, or other fees, which are by law allowed for any official service of the justice of the peace shall be exacted and paid in advance into the hands of the clerk of said justice's court, which, together with all fees, fines,

Clerk of
police
court.

forfeitures or penalties received in said justice's court shall be paid into the city treasury. Each of the said clerks shall render each month to the city council an exact and detailed account under oath, of all fines, forfeitures, penalties or fees received. Each justice's clerk shall also act as a clerk of the police court of said city and the compensation provided for the clerk of said police court shall be in full compensation for all services rendered as clerk of the justice's court: Each justice's clerk shall be in attendance at his office in the discharge of official business daily from nine a.m. until five p.m.

CHAPTER 220.

An act providing for the resalection by the state of lands heretofore selected and sold by the state where the selection has been canceled or held for cancellation because the base lands have been used for another selection or were incorrectly described.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Reselection
of lands
where
selection
canceled.

SECTION 1. Where, under authority of section two thousand two hundred seventy-five of the revised statutes of the United States, the state has made a selection of other land in lieu of a sixteenth or thirty-sixth section within any Indian or military reservation, or within a permanent forest reserve or national forest established by proclamation of the President of the United States, and where through inadvertence or mistake the surveyor general of the state has designated as base for such selection land which has also been used as the basis for some other selection or has incorrectly described the base and where such selection has been or may be canceled or held for cancellation by the general land office of the United States for the reason that the base designated therefor has been so used or was incorrectly described, the surveyor general may, in his discretion, where the state has sold the selected lands, and upon application by the record owner of the certificate of purchase therefor, make an amended selection or resalection of such land upon valid base of the character designated for the original selection, whenever such base is available; *provided*, that the party applying for relief under this act shall pay all fees and expenses required under the rules of the United States land office; *and provided, further*, that nothing herein contained shall be held, deemed, or construed to require the surveyor general to make any amended selection or resalection in any case where the base land desig-

nated in support thereof was within an area temporarily withdrawn from entry by the secretary of the interior and subsequently restored to the public domain without having been incorporated within any such permanent forest reserve or national forest.

Area temporarily withdrawn from entry.

CHAPTER 221.

An act to repeal an act entitled "An act authorizing any county to permit the construction and maintenance of a highway or boulevard over highways within its limits connecting with main public highways of an adjoining county by the board of supervisors or highway commissioners of such adjoining county; permitting boards of supervisors of such adjoining counties to construct and maintain such bridge or bridges on such highways or boulevards as they may deem necessary; permitting such boards of supervisors to macadamize or pave or gutter such highways or boulevards; providing the manner in which the cost and expense thereof shall be paid, and prescribing the procedure whereby the use, control, maintenance and jurisdiction of any highway or boulevard constructed under the provisions of this act may be retransferred to the county originally granting the use thereof," approved April 6, 1917.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. An act entitled "An act authorizing any county to permit the construction and maintenance of a highway or boulevard over highways within its limits, connecting with main public highways of an adjoining county by the board of supervisors or highway commissioners of such adjoining county, permitting boards of supervisors of such adjoining counties to construct and maintain such bridge or bridges on such highways or boulevards as they may deem necessary, permitting such boards of supervisors to macadamize or pave or gutter such highways or boulevards, providing the manner in which the cost and expense thereof shall be paid, and prescribing the procedure whereby the use, control, maintenance and jurisdiction of any highway or boulevard constructed under the provisions of this act may be retransferred to the county originally granting the use thereof," approved April 6, 1917, is hereby repealed.

Act, Stats. 1917, p. 88, repealed

CHAPTER 222.

An act to amend section one thousand three hundred thirteen of the Civil Code, relating to restrictions on testamentary disposition of property.

[Approved May 5, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand three hundred thirteen of the Civil Code is hereby amended to read as follows:

Restriction
on devise for
charitable
uses.

1313. No estate, real or personal, shall be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, except the same be done by will duly executed at least thirty days before the decease of the testator; and if so made at least thirty days prior to such death, such devise or legacy and each of them shall be valid; *provided*, that no such devise or bequest shall collectively exceed one-third of the estate of the testator, leaving legal heirs, and in such case a pro rata deduction from such devises or bequests shall be made so as to reduce the aggregate thereof to one-third of such estate; and all dispositions of property made contrary hereto shall be void, and go to the residuary legatee or devisee, next of kin, or heirs, according to law; *and provided, further*, that bequests and devises to the state, or to any state institution, or for the use or benefit of the state or any state institution, or to any educational institution which is exempt from taxation under section one *a* of article thirteen of the constitution of the State of California, or for the use or benefit of any such educational institution, are excepted from the restrictions of this section; *provided, however*, that nothing in this section contained shall apply to bequests or devises made by will executed at least six months prior to the death of a testator who leaves no parent, husband, wife, child or grandchild, or when all of such heirs shall have by writing, executed at least six months prior to his death, waived the restriction contained herein.

Exceptions.

CHAPTER 223.

An act authorizing the state board of medical examiners to refund taxes, fees and penalties collected by mistake, error or inadvertence, and providing an appropriation therefor.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Refund of
money
collected
through
error.

SECTION 1. The state board of medical examiners is hereby authorized, empowered and directed to refund any taxes, penalties or fees collected by the state board of medical examiners illegally, by mistake, inadvertence or error.

SEC. 2. The state board of medical examiners is hereby authorized to expend out of its contingent fund whatever sum may be necessary to carry out the provisions of this act, and the state treasurer, and all other officials having custody of such funds are hereby authorized upon request or direction of the state board of medical examiners to pay out such refunds or approve such payments from said contingent fund.

Payments
from
contingent
fund.

CHAPTER 224.

An act to amend section five hundred twenty-six of the Code of Civil Procedure, relating to injunctions.

[Approved May 6, 1919. In effect July 22, 1919.]

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

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

526. An injunction may be granted in the following cases:

1. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;

When
injunction
may be
granted.

2. When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action;

3. When it appears, during the litigation, that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action, and tending to render the judgment ineffectual;

4. When pecuniary compensation would not afford adequate relief;

5. Where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief;

6. Where the restraint is necessary to prevent a multiplicity of judicial proceedings;

7. Where the obligation arises from a trust.

An injunction can not be granted:

1. To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings;

When
injunction
may not be
granted.

2. To stay proceedings in a court of the United States;

3. To stay proceedings in another state upon a judgment of a court of that state;

4. To prevent the execution of a public statute by officers of the law for the public benefit;

When
injunction
may not be
granted.

5. To prevent the breach of a contract other than a contract in writing for the rendition or furnishing of personal service from one to another where the minimum compensation for such service is at the rate of not less than six thousand dollars per annum, and where the promised service is of a special, unique, unusual, extraordinary or intellectual character which gives it peculiar value the loss of which can not be reasonably or adequately compensated in damages in an action at law, the performance of which would not be specifically enforced;

6. To prevent the exercise of a public or private office, in a lawful manner, by the person in possession;

7. To prevent a legislative act by a municipal corporation.

CHAPTER 225.

An act to amend sections seven and ten of an act entitled "An act to prevent the sale of impure and unwholesome milk, butter, ice cream and other milk products; to declare ice cream a milk product; to grade milk; to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled 'An act to prevent the sale of impure and unwholesome milk, to grade milk, to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor,' " approved May 22, 1917.

[Approved May 6, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 806.

SECTION 1. Section seven of an act entitled "An act to prevent the sale of impure and unwholesome milk, butter, ice cream and other milk products; to declare ice cream a milk product; to grade milk; to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled 'An act to prevent the sale of impure and unwholesome milk, to grade milk, to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish

inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor," approved May 22, 1917, is hereby amended to read as follows:

Sec. 7. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade B milk, any milk that does not conform to the following requirements as a minimum: it must be obtained from cows in no way unfit for the production of milk for use by man, as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of the inspecting department. Before pasteurization such milk shall contain less than one million bacteria per cubic centimeter. After pasteurization it shall contain less than fifty thousand bacteria per cubic centimeter.

Requirements for Grade B milk.

Milk for pasteurization must be kept at a temperature established by the inspecting department up to the time of delivery to the pasteurization plant and rapidly cooled after pasteurization to a temperature of fifty degrees Fahrenheit or below and so maintained to the time of delivery of the same. Pasteurization shall be by the holding method at a temperature not less than one hundred forty degrees Fahrenheit; *provided*, that milk for drinking purposes shall not be heated above one hundred forty-five degrees Fahrenheit.

Pasteurization.

Such pasteurization plant shall be equipped with a self-registering device for record of the time and temperature of pasteurization. Such records shall be kept for two months and be available for inspection by any health department, the state veterinarian or any of his agents, or the state dairy bureau. Pasteurized milk shall be marked with the day of the week of pasteurization and must be delivered to the consumer within forty-eight hours thereafter. If milk is repasteurized, it must not be sold except as not suitable for human consumption; *provided, however*, if graded, cream of any grade shall conform to all the standards set for milk of the same grade, except that the maximum bacterial count for cream shall be not more than three times as great as that of the corresponding grade of milk.

Records.

Sec. 2. Section ten of said act approved May 22, 1917, is hereby amended to read as follows:

Stats. 1917, p. 807.

Sec. 10. Any person who violates any provision of this act or the rules made in accordance with section eleven of this act or who directs or knowingly permits an employee to violate any of said provisions or said rules, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment.

Penalties for violation.

Any firm, corporation, society or association which violates any of said provisions or of said rules shall be guilty of a misdemeanor and upon conviction shall be fined as above provided.

Penalties for
violation.

In the event an officer, director, manager or managing agent of any firm, corporation, society or association violates any of the provisions of this act or the rules made in accordance with section eleven of this act or directs or knowingly permits any employee to violate any of said provisions or said rules, such officer, director, manager or managing agent shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment or both as above provided; and, in such case, the firm, corporation, society or association shall also be guilty and upon conviction shall be fined as above provided. One-half of all such fines shall be paid into the state treasury and placed to the credit of the general fund.

CHAPTER 226.

An act to amend section three thousand four hundred twenty-three of the Civil Code, relating to injunctions.

[Approved May 6, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three thousand four hundred twenty-three of the Civil Code is hereby amended to read as follows:

3423. An injunction can not be granted:

When
injunction
may not be
granted.

First—To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings.

Second—To stay proceedings in a court of the United States.

Third—To stay proceedings in another state upon a judgment of a court of that state.

Fourth—To prevent the execution of a public statute, by officers of the law, for the public benefit.

Fifth—To prevent the breach of a contract, other than a contract in writing for the rendition or furnishing of personal service from one to another where the minimum compensation for such service is at the rate of not less than six thousand dollars per annum and where the promised service is of a special, unique, unusual, extraordinary or intellectual character which gives it peculiar value the loss of which can not be reasonably or adequately compensated in damages in an action at law, the performance of which would not be specifically enforced.

Sixth—To prevent the exercise of a public or private office, in a lawful manner, by the person in possession.

Seventh—To prevent a legislative act by a municipal corporation.

CHAPTER 227.

An act to provide for the exclusion of any portion of the lands embraced within a subdivision or tract of land and for the alteration or vacation of recorded maps or plats thereof.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. Upon the application of the owners of at least two-thirds of the area of the land included within the boundaries of any tract or subdivision of land described in a recorded map or plat, the superior court of the county or city and county wherein such land is situated, may cause all or any portion of such land to be excluded from the subdivision or tract and the recorded map or plat thereof to be altered or vacated as hereinafter provided. Exclusion of land from subdivision.

SEC. 2. The application provided for in section one hereof shall be made by filing in the office of the county clerk of the county or city and county in which the tract or subdivision, or that portion of the land sought to be excluded, is situated, a petition signed and verified by the owners of at least two-thirds of the total area of the land included within the boundaries of the tract or subdivision, as shown on the recorded map or plat, praying that all or such portions of the land included within such subdivision or tract as is described shall be excluded therefrom. Such petition shall also show the reasons therefor. The land sought to be excluded shall be accurately and distinctly described by reference to the recorded map or plat or by an accurate survey. The petition shall further show the names and addresses of all other owners of the land in the subdivision or tract so far as the same are known to the petitioners. Petition

SEC. 3. Upon the filing of a petition as hereinbefore provided, any judge of the superior court of the county or city and county wherein such land is situated, shall make an order directing the clerk of such court to give notice of the filing of such petition. Said notice shall be for not less than thirty, nor more than fifty, days as shall be by such judge directed, by publication in some newspaper of general circulation within the county, or city and county, or if there is no newspaper published therein by posting in three of the principal places in the county or city and county. Such notice shall contain a statement of the nature of the petition together with a direction that any person may file his objection to the petition, in writing, at any time before the expiration of the time of posting or publication. Notice of filing petition.

SEC. 4. When the time of posting or publication has expired there shall be filed with the clerk of the superior court an affidavit showing due posting or publication, where- Hearing of application.

Exclusion
by court.

upon the court may if no objection has been filed, proceed without further notice to hear the application. If upon such hearing the petitioners shall produce to said court satisfactory evidence of the necessity of the exclusion of said lands, and that the owners to two-thirds of the area of the land included within such tract or subdivision are such petitioners, and that there is no reasonable objection to making such exclusion, the court may proceed to exclude the lands sought to be excluded by the petition, and alter or vacate any recorded map or plat thereof, and enter its decree accordingly.

Hearing of
objections.

SEC. 5. If objection is made to the petition which, in the judgment of the court is material, the court shall proceed to hear such objection and may adjourn the proceedings to such time as may be necessary upon proper notice to the petitioners.

Public
highway not
affected.

SEC. 6. The exclusion of any territory herein provided for or the alteration or vacation of any recorded map or plat, shall not affect or vacate the whole or any part of any public highway. The exclusion of any land herein provided for or the alteration or vacation of any recorded map or plat, shall be complete with the filing in the office of the county recorder of the county or city and county in which such land is situated, of a copy of the decree of the superior court. The county recorder shall make, upon the face of any such recorded map or plat a memorandum stating briefly that such map or plat has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

Filing of
decree.

SEC. 7. In case any land has been excluded and any map or plat altered pursuant to the provisions of this act, a new map or plat shall be filed with the county recorder in the manner provided by law showing the boundaries of such subdivision or tract as same appears after the exclusion and alteration.

New map
filed.

CHAPTER 228.

An act to amend section seven of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended.

[Approved May 7, 1919. In effect July 22, 1919.]

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

Stats. 1915,
p. 925.

SECTION 1. Section seven of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, is hereby amended to read as follows:

Powers of
labor com-
missioner
and deputies.

Sec. 7. The commissioner and his representatives duly authorized by him in writing shall have the power and authority, when in his judgment he deems it necessary, to

take assignments of wage claims and prosecute actions for the collection of wages and other demands of persons who are financially unable to employ counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the courts; to issue subpoenas, to compel the attendance of witnesses or parties and the production of books, papers or records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter placed in the bureau for enforcement. The commissioner shall have a seal ^{Seal.} inscribed "Bureau of Labor Statistics—State of California" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the commissioner or his duly authorized representatives shall be enforced by the courts in any county or city and county. The commissioner and his representatives shall have free access to all places and works ^{Access to places of labor.} of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, manufacturing or mercantile establishment, or any agent or employee of such principal, owner, operator, manager or lessee who shall refuse to said commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him willfully neglect or refuse to furnish to him any statistics or information, pertaining to his lawful duties, which may be in his possession or under the control of said principal, owner, operator, lessee, manager or agent thereof, shall be punished by a fine of not more than two hundred dollars.

CHAPTER 229.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal improvement districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such districts voting upon the question of incurring such indebtedness.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. In all cases where the legislative branch of any municipality in this state has called an election under the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and ^{Municipal improvement district bonds legalized.}

Municipal
improvement
district
bonds
legalize.

for the acquisition or construction of such improvements," approved April 20, 1915, for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality the question whether an indebtedness shall be incurred for any of the purposes authorized by said act, and where at such election not less than two-thirds of all the voters voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipal improvement district of the municipality so issuing and selling the same, and the faith and credit of such municipal improvement district of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Except on.

SEC. 2. This act shall not operate to legalize any bonds of any municipal improvement district of a municipality that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such municipal improvement district voting at any such election, or any bonds which have been sold for less than their par value.

CHAPTER 230.

An act to amend sections one thousand one hundred thirty-one, one thousand one hundred forty-two, one thousand one hundred fifty-one and one thousand two hundred fifty-eight of the Political Code, relating to elections, and to add a new section to the Political Code, to be known as section one thousand two hundred fifty-three, relating to the same subject.

[Approved May 7, 1919. In effect July 22, 1919.]

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

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

Notice of
election in
county
clerk's office.

1131. The county clerk or registrar of voters in each county or city and county shall at least twenty-five days prior to any election, or primary election, file in his office a notice of the date of such election and the officers to be filed, naming and numbering them in numerical order, unexpired terms or short

terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling place therein where the voting for such election shall be had, but in no event shall such polling place be a saloon or other place where intoxicating liquor is sold or dispensed, nor shall such polling place be connected by a door, window or other opening with a saloon or other room or place where such liquor is sold or dispensed. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office. The duties imposed by this section and by section one thousand one hundred forty-two, one thousand one hundred forty-two a and one thousand one hundred fifty-one of this code upon the county clerk or registrar of voters shall in all municipal elections and in all elections in which only the electors of one municipality or a portion thereof vote, be performed by the city clerk, registrar of voters or similar office of such municipality.

Election officers designated. Polling place not to be saloon.

Copy of notice posted.

SEC. 2. Section one thousand one hundred forty-two of the Political Code is hereby amended to read as follows:

1142. (a) At each general election, and at each election, where other provisions are not made by law or charter, the election officers appointed for each precinct shall constitute a board of election for such precinct. Such board shall consist of one inspector, two judges and three clerks; *provided*, that in any precinct in which the total registration does not exceed one hundred electors or at any special election where other provision as to election officers is not made by law, the board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; *provided*, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed.

Boards of election.

(b) The board of supervisors, or other board having charge or control of elections in each of the counties, and cities and counties, must, at least thirty days prior to an election, issue its order appointing the members of the several boards of election unless otherwise provided herein or by law.

Appointment of election board.

(c) If the election officers for any precinct, or the polling place therein, have not been designated by the fifteenth day prior to any election, the county clerk or registrar of voters shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require.

(d) Any person who, having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and

Failure to serve as election officer.

Election officer not liable to penalty for serving on board.

imprisonment. Any person serving as an election officer at any election, shall, on the day of such election, be entitled to absent himself from any service or employment in which he, or she, is then engaged or employed; and such voter shall not, because of so absenting himself, or herself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall such person be suspended or discharged from any service or employment because of so absenting himself or herself. In appointing election officers preference shall so far as possible be given to any person, otherwise qualified, who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer if otherwise qualified. Any person may file an application for the position of an election officer on blanks prepared by the officer in charge of registration, which shall be substantially as follows:

Application.

Form

APPLICATION TO SERVE AS ELECTION OFFICER.

State of California, }
County of _____ } ss.

My name in full is _____;
My actual residence is _____;
My age is _____; my occupation is _____;
I am employed at _____;
(Give place of employment.)

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer or as a clerk engaged in the registration of voters, by the county, city and county, or incorporated city or town in which I now reside.

I have _____ acted as an election officer at an election

(If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have.")

I have _____ passed a civil service examination.

(If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have.")

My experience in clerical work has been as follows: (State briefly) _____

For further information, I would refer to the following:

(Names and addresses of two or three well known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as an elector in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own hand writing.

Signature of applicant.

In a city and county, the registrar of voters may require such applications to be sworn to and such registrar or his deputy shall take such oath without charge.

(e) No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he, or she, acts and a registered and qualified elector thereof, or who has, within ninety days preceding such election, been employed in any capacity, other than that of an election officer, or as a clerk engaged in the registering of electors, by the county, city and county, or incorporated city and town in which he resides.

Persons eligible as election officers.

(f) Upon filing a list of the names and addresses of those who have been appointed election officers the county clerk or registrar of voters shall immediately mail or deliver to each person appointed a notice that he, or she, has been appointed, stating therein the position to which he or she has been assigned, and the penalty for failure to serve, also such other matter as the county clerk or registrar of voters may determine. He shall also publish the names of the election officers appointed and polling places designated for each election precinct in some daily newspaper published in the county or city and county where the election is to be held, for three successive issues, the last publication to be at least one week before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice of the persons appointed to serve as election officers in that precinct. Said notice shall be substantially in the following form:

Notice of appointment.

Office of the county clerk (or registrar of voters)

county of ----- Form.

NOTICE TO ELECTION OFFICERS.

To -----, inspector for ----- precinct.
The polling place for the ----- precinct at the election to be held on ----- the ----- day of ----- is -----

Form of notice to election officers.

and the board of election for said precinct is composed of the following persons:

Position.	Name.	Address.
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

You, as inspector, must, before the polls are opened, see that each of these persons have taken the oath required by law and that no person is permitted to act as election officer unless he or she has taken such oath and actually resides in the precinct and is registered as an elector thereof and is not and has not been employed in any capacity, other than that of election officer, or as clerk engaged in the registering of electors, within ninety days of the election, by the county or city and county or by the incorporated city and town in which he, or she, resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the qualified electors present, including members of the board, shall appoint in his or her place one who is qualified who shall take the required oath of office which will be found set forth in the poll list.

County clerk (or other official).

Oath of office of inspector.

Accompanying said notice shall be an oath of office in blank which shall be immediately sworn to by the inspector free of charge before any officer authorized to administer oaths, and before performing any of the duties required of him, and which oath shall be returned to the county clerk or registrar of voters within twenty-four hours after receipt thereof. Said oath shall be substantially in the following form:

State of California,
County of ----- } ss.

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 inspector on the board of election for ----- precinct according to the best of my ability.

Subscribed and sworn to before me
this ___ day of ----- 191___

(Name and designation of official before whom taken.)

Oath of office of election board.

(g) On the day of election and before entering upon the performance of their duties, each of the other election officers shall take a similar oath before said inspector, or in

case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the poll list for that precinct.

(h) No person shall be eligible to act as a member of any election board who can not read and write the English language, nor shall any person be appointed an election officer or act as such who is not at the time in every respect qualified to act as such election officer, except as hereinbefore provided, nor shall any person so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties, in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision.

Persons eligible as members of election board.

Extra duties.

Not more than two members of any board of election shall be absent from the polling place at any one time. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the board; *provided*, that there shall always be two members simultaneously keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; *and provided, further*, that the final certificate shall be signed by a majority of the whole.

Canvassing ballots.

(i) In any city and county having a registrar of voters all preliminary or other lists of persons qualified to act as election officers and all appointments of election officers shall be made by said registrar of voters and he shall have power to excuse persons appointed from serving whenever he is satisfied any such person ought to be excused, and to substitute new appointees in all cases when any person appointed shall be excused or found disqualified or deemed incompetent down to a time when said registrar of voters shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the registrar's final order of appointment for such precinct; such appointments shall be in the form prescribed in subdivision (f) of this section, and in addition shall have at the head thereof the words in capitals "Final precinct list of election officers."

Powers and duties of registrar of voters.

In a city and county having such a registrar of voters he may require inspectors of election who have been appointed, to take the oath of office at the office of said registrar of voters at least ten days before the day of election, and if such inspector shall refuse or fail to so take such oath of office said

registrar may substitute and appoint an inspector and administer such oath of office to such newly appointed inspector. In a city and county the publication of the list of election officers referred to in this section, may, in the discretion of the registrar of voters, be made only once.

Sec. 3. Section one thousand one hundred fifty-one of the Political Code is hereby amended to read as follows:

Board for
municipal
elections

1151. The city council or other board having charge and control of the elections of any municipality shall appoint a board of election for each election or consolidated election precinct, to consist of one inspector, two judges and three clerks for each municipal election provided for by section one thousand forty-four of this code, held within that municipality. and the board of supervisors or other board having charge or control of elections shall appoint a board of election to consist of one inspector, one judge and two clerks for every other election provided for by said section, who shall apportion among themselves the work required in the conduct of such election within their respective election precincts; *provided*, that at any nominating or general municipal election held under the provision of a freeholders' charter, the board or governing body charged with the conduct of such elections, may by majority consent, appoint a board of elections for each election precinct, to consist of one inspector, one judge and two clerks. The members of such boards shall be appointed, and when appointed shall act, as provided for by section one thousand one hundred forty-two of this code. But one poll list, one tally list and one copy of such tally list, as provided for in section one thousand two hundred sixty-one of this code, need be kept, and but one book of original affidavits of registration need be furnished for use at each precinct, which shall be returned to the proper officers with the official returns in the manner provided for the returns at a general election.

Under
freeholders'
charter.

One poll
list, etc.

Sec. 4. A new section is hereby added to the Political Code to be numbered one thousand two hundred fifty-three, and to read as follows:

Canvass
commenced.

1253. The canvass must be commenced by taking out of the box the ballots, unopened, except so far as to ascertain whether each ballot is single, and counting the same to ascertain whether the number of ballots corresponds with the number of names on the list of voters kept by the clerks.

Sec. 5. Section one thousand two hundred fifty-eight of the Political Code is hereby amended to read as follows:

Tally of
votes.

1258. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink or indelible pencil as the name of each candidate voted for is read aloud from the respective ballot, and immediately

upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept, must, during the reading and tallying, be within the clear view of watchers of the count.

CHAPTER 231.

An act to amend section four thousand one hundred one of the Political Code, relating to the duties of county treasurers.

[Approved May 7, 1919. In effect July 22, 1919.]

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

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

4101. The treasurer must:

Duties of
county
treasurer.

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the warrant number, the amount, time when, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys and all other money placed in his custody by official authority only on county warrants issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

CHAPTER 232.

An act to amend sections three thousand six hundred seventy b and three thousand seven hundred thirty-four of the Political Code, relating to taxation.

[Approved May 7, 1919. In effect July 22, 1919.]

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

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

Segregation
by assessor

3670b. Each county, city and county, city and district assessor must segregate on his assessment roll, as directed by the state board of equalization:

Assessments
by state
board of
equalization.

1. The assessments made by the state board of equalization, and apportioned to the county, city and county, city, town, township, or district, upon the franchises, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this state under the provisions of the Political Code as the same existed and were in force on the seventh day of November in the year one thousand nine hundred ten; and

Assessments
by assessors.

2. The assessments made by said assessors of any other property enumerated in subdivisions (a), (b), and (d) of section fourteen of article thirteen of the constitution of this state, which is located in the county, or city and county, or any city, town, township, or district in which it is subject to taxation for paying the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district prior to the eighth day of November in the year one thousand nine hundred ten, as provided in subdivision (c) of section fourteen of article thirteen of the constitution of this state.

Immediately upon completion of the assessment and equalization of property for the purposes of taxation in each year the auditor or clerk of each county, city and county, city, town, or district must transmit to the state board of equalization a duplicate of that part of the assessment roll containing the assessments and apportionments referred to in paragraphs one and two of this section.

Equalization
of assess-
ments.

Whenever the state board of equalization is satisfied after investigation that any county, city, or other assessor, or board of equalization, has assessed for taxation to pay the principal and interest of any bonded indebtedness created and outstanding by any county, city and county, city, town, township, or district prior to the eighth day of November in the year one thousand nine hundred ten, as provided in subdivision (c) of section fourteen of article thirteen of the constitution of this state, any of the property taxed exclusively for state purposes as provided in subdivisions (a), (b) and (d) of section fourteen of article thirteen of the constitution of this state, or has assessed for purposes of county, city and county, city or

district taxation the property other than the franchise of any company taxable for a franchise under subdivision (d) of said section and article of the constitution, above its full cash value and has thereby unjustly reduced the amount of taxes due the state on such property, said state board shall, under such rules of notice to the clerk of the board of supervisors of the county, or city and county, or to the city clerk of the city, affected thereby as the board shall deem reasonable, equalize the assessed value of such property, and shall issue an order to said assessor or board of equalization and to the county or city auditor or clerk of the county, city and county, or city in which the property is located, fixing the assessed value of such property.

Equalization
of assess-
ments.

The value so equalized and assessed, and no other, shall be deemed the value of said property, and its assessment for taxes levied to pay the principal and interest of any such outstanding bonded indebtedness, and in the case of companies taxable for franchise under said subdivision (d) of said section and article of the constitution shall be deemed the value of the said property, and its assessment for taxes for county, city and county, municipal and district purposes.

When making the tax levy and fixing the rates of taxation for county, city and county, city, town, township, or district purposes, the board of supervisors of any county, or city and county, and the corresponding authority in any city, having bonded indebtedness issued and outstanding on the eighth day of November in the year one thousand nine hundred ten shall fix the tax rate for such bonded indebtedness separate and apart from all other tax rates, whether for subsequent bonded indebtedness or for other purposes.

Separate
tax rate for
bonded
indebtedness.

The county, city and county, or city auditor or clerk shall extend on the assessment roll against the assessments segregated as herein provided, the taxes necessary to pay the principal and interest of said bonded indebtedness at the same rate as said taxes for payment of principal and interest of said outstanding bonded indebtedness shall be levied upon the other classes of property within the same county, city and county, city, town, township, or district, and the amount of each such taxes shall be certified by said auditor or clerk to the controller and the amount so certified shall then be credited by the controller to the county, city and county, city, town, township, or district to which it is due; and said amount shall be paid by said controller to the treasurer of such county, or city and county, as provided in section three thousand six hundred seventy c of this code, and upon such payment said treasurer shall forthwith certify such fact to the auditor who shall thereupon mark upon the assessment roll the date of payment and the words "paid by the state treasurer." The city clerk or auditor shall in the certificate mentioned in this paragraph also state the date when taxes in such city shall become delinquent.

Payment by
controller
to county
treasurer.

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

Tax collector
charged with
taxes levied

Taxes due
county
charged to
state.

3734. On delivering the assessment book to the tax collector the auditor must charge the tax collector with the full amount of the taxes levied and forthwith transmit by mail to the controller of state in such form as the controller may prescribe a statement of the amount so charged, but the taxes to be paid to the county by the state under the provisions of section three thousand six hundred seventy *c* of this code shall be charged to the state by the auditor. Any auditor failing to forward the statement herein provided for to the controller within ten days after the roll has been delivered to the tax collector forfeits to the state one thousand dollars, to be recovered in an action brought by the attorney general, in the name of the controller.

CHAPTER 233.

An act to amend section two of an act entitled "An act to provide for maintenance of county highways improved under bond issues in the counties of the state and empowering the boards of supervisors to levy taxes therefor," approved May 1, 1911, as amended.

[Approved May 7, 1919. In effect July 22, 1919.]

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

Stats. 1913,
p. 1147.

County
highway
maintenance
fund.

SECTION 1. Section two of an act entitled "An act to provide for maintenance of county highways improved under bond issues in the counties of the state and empowering the boards of supervisors to levy taxes therefor," approved May 1, 1911, as amended, is hereby amended to read as follows:

Sec. 2. The board of supervisors must annually, for each fiscal year, levy a tax not to exceed ten cents on each one hundred dollars of value of taxable property of the county for each one hundred miles or fraction thereof of improved county highways under a bond issue therefor. This tax shall be collectible by the several officers charged with the collection of other county taxes in the same manner, and at the same time as other county taxes are collectible on all property; and the collection must be paid into the county treasury, and by the county treasurer converted into a separate fund hereby created and known as the county highway maintenance fund. The money derived from such tax must be applied solely to the maintenance of county highways improved under a bond issue to cover the whole county.

CHAPTER 234.

An act to repeal section one hundred three b of the Code of Civil Procedure, relating to justices' court clerk and fixing their powers and duties.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one hundred three b, of the Code of Civil Procedure is hereby repealed. Repealed.

CHAPTER 235.

An act to amend section two thousand five hundred twenty-four of the Political Code, relating to the jurisdiction, powers and duties of the board of state harbor commissioners.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two thousand five hundred twenty-four 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 anywise 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 street to the center of Beach street; thence easterly along the

Possession and control of portion of bay of San Francisco.

Boundaries.

Jurisdiction
of board of
state hart or
commiss-
ioners.

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 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 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; thence 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 waterfront 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 waterfront 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 of 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

Jurisdiction
of board of
state harbor
commis-
sioners.

Boundaries
of seawalls.

General
authority
of com-
missioners.

of San Francisco; and said commissioners, in addition to a 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, cranage, 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 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 commissioners 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

Works for
preserving
piles.

Proposals for
contract
work.

without advertising for proposals therefor. When they determine 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

What advertisement shall contain.

May construct seawalls and dredge slips.

Liability for dockage.

Tolls to be
lien on
goods.

Rules and
regulations.

Landings for
use of
federal
government.

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 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 water craft 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 storehouses to suit their convenience; and the commissioners shall charge a reasonable compensation per month for the use of such landings and

office and storehouse 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 boathouse station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart 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 charge said fishermen for the use thereof such rates as said commission shall fix from time to time. 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 water craft to land any greater number than ten at any one time from any water craft at any other place. The commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the waterfront 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 structures, 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, cranage, 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

For police use.

For ferry-boats.

For fishermen.

For horses, etc.

For marine railways.

Leases of premises.

Permits to land goods.

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 waterfront 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 waterfront 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 said board," approved March 26, 1895, 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

Spur tracks.

Premises leased for terminal facilities.

Switches.

Obstructions.

Notice to remove obstructions.

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 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 waterfront. But said harbor commissioners may, when a waterfront 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.

Repealed.

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

CHAPTER 236.

An act to amend sections six, eight, twelve, thirteen, fourteen, and twenty of an act entitled "An act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts, and repealing an act entitled "An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909," approved May 1, 1911, as amended, and to add a new section thereto to be numbered twelve a, relating to the letting of contracts.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. Section six of an act entitled "An act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevards; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within

Stats. 1917,
p. 1302.

such district; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an act entitled 'An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909," approved May 1, 1911, as amended, is hereby amended to read as follows:

Polling places.

Election officers.

Ballots.

Election of member of boulevard commission.

Canvass of returns.

Sec. 6. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select two, or more polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must select and appoint, from among the qualified electors of the proposed boulevard district, one inspector and two judges of election in each polling place, who shall constitute the officers of said election and the election board; if none are so appointed or if any officer appointed does not attend at the opening of the polls on the morning of election, the electors present may appoint substitutes to fill the election board. The ballot shall contain the words "boulevard district—yes," and "boulevard district—no," and shall also make provision for voting for one member of the boulevard commission of said district. At such election there shall be elected one member of the boulevard commission, whose term of office shall be for four years and until the election, or appointment, and qualification of his successor. Such election, and all subsequent, or other, elections in said district shall, except as herein otherwise expressly provided, be conducted as nearly as practicable in accordance with the general election laws of the state, except that the provisions of said laws as to the form of ballots and the making of nominations and the selection or appointment of officers of election, shall not apply, and that no irregularity or informality in conducting any election under this act, not substantially affecting adversely the legal rights of any elector, as herein defined, shall invalidate or affect such election. At each election pursuant to this act, every qualified elector, resident within the district as proposed or established, and who would be entitled on the date of the respective election to vote in said district at a general election, shall be entitled to vote at such election. The said officers of election must make return of the election to the board of supervisors of said county, which shall canvass said returns as by law provided, and if a majority of the votes cast at such election shall be in favor of a boulevard district the board of supervisors shall make and cause to be entered in the minutes of said board an order that the boulevard district of the name, and with the boundaries theretofore established by said board (setting forth such boundaries), has been duly established, and shall declare the person receiving the highest number of votes for member of the boulevard commission, duly elected as such commissioner; and said order shall be conclusive

evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the boulevard district. If a majority of the votes cast shall be against a boulevard district, the board shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board.

SEC. 2. Section eight of said act approved May 1, 1911, as amended, is hereby amended to read as follows: Stats. 1917, p. 1304.

Sec. 8. An election shall be held in each boulevard district on the first Monday after the first Tuesday in March in the fourth year after the formation of the district, and in every fourth year thereafter, at which shall be elected a commissioner in place of the elected commissioner whose term shall expire during such year. Not less than twenty days before the day of each such election the boulevard commission must give notice of said election by posting notice thereof in three public places in the boulevard district, which notice must specify the time and place of election, the hours during which the polls will be kept open, and the officer to be elected. They shall select one, and may select two or more, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if any of those appointed are not present at the time of the opening of the polls, the electors present may appoint all, or any, of them so absent or not appointed and they shall conduct the election as if so appointed by said commission and present. The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must make return of the election within twenty-four hours after the closing of the polls to the board of supervisors. Said board of supervisors at its first meeting after receiving said returns shall canvass the same and shall make, sign and deliver a certificate of election to the person elected. Election every fourth year. Notice of election. Polling places and election officers. Canvass of returns.

SEC. 3. Section twelve of said act approved May 1, 1911, as amended, is hereby amended to read as follows: Stats. 1917, p. 1306.

Sec. 12. The boulevard commission shall, before the construction of any boulevard and before the calling of any election for the issuance of bonds, employ an engineer or engineers who shall make all necessary surveys, prepare a map or maps showing the location of the said proposed boulevard or boulevards, also showing a cross-section and profile of said proposed boulevard or boulevards, together with specifications for the construction thereof and estimates of the cost of acquiring rights of way therefor and of the cost of the construction thereof, which said surveys, maps, specifications and estimates, shall, upon the approval of the same by said commission, by order entered upon its minutes, be formally adopted by said commission and filed with its secretary and constitute the plan Survey, etc., of proposed boulevards.

of said district for such proposed boulevard or boulevards; *provided*, that the said boulevard commission may, at its option, and it is hereby empowered to, direct the county surveyor, or county engineer, as the case may be, to do any or all of said work herein provided to be done by an engineer or engineers.

The expense of making such preliminary survey or surveys may be allowed by the board of supervisors out of the general fund or the general county road fund upon claims regularly presented and allowed in the manner provided by law.

SEC. 4. A new section is hereby added to said act approved May 1, 1911, as amended, to be numbered twelve *a* and to read as follows:

Bids for
construction
of
boulevards.

Sec. 12*a*. The boulevard commission shall, pursuant to an order entered in its minutes, advertise for bids for the construction of such boulevard or boulevards, either as a whole or in such sections as it may see fit, in accordance with the plan theretofore adopted and filed, as hereinabove provided, by said commission, by publishing a notice calling for such bids, at least once a week for two successive weeks in a weekly newspaper published within the boulevard district if such newspaper is published therein, otherwise in a newspaper published at the county seat of the county in which such district is located. Such notice shall refer to said order and said plan for further particulars. If the commission shall elect to receive separate bids for the construction of sections of said boulevard or boulevards, the said order shall describe the separate sections for which such separate bids are desired. The commission may also in its discretion advertise at the same time and in the same notice both for bids for the construction of such boulevard or boulevards as a whole and for bids for the construction of separate sections thereof. Every contract for doing any part of said work shall be let, after advertisement as herein provided, to the lowest responsible bidder, who shall, before the making of said contract, give a bond to the boulevard district for the faithful performance of his contract, with sureties satisfactory to said commission in an amount equal to at least fifty per cent of the amount of the contract price.

Conditions
of contract.

Said contract shall be executed on behalf of the boulevard district by the boulevard commission, subject to approval or rejection by the electors of the district, expressed at an election called for the purpose of issuing bonds for the payment of such contract. If the electors at such election fail to approve such bond issue, the contract shall be void and the boulevard commission shall immediately return to the contractor his bond given for the faithful performance of the contract; *provided, however*, that the commission may make contracts, without advertisement, for any construction work on said boulevard the cost of which does not exceed one thousand dollars; *and provided, further*, that the commission may reject any or all bids and may thereupon readvertise for bids for doing any part or the whole of said work; or may do said work without letting

any contract therefor when the amount of the work is less than one thousand dollars. Said commission may hire all necessary engineers, inspectors and superintendents to supervise the performance of contracts entered into by said commission, or to have charge of the doing of all work done without contract.

SEC. 5. Section thirteen of said act approved May 1, 1911, as amended, is hereby amended to read as follows: Stats. 1917,
p. 1307.

SEC. 13. At any time, and from time to time, after the adoption of a plan for a boulevard or boulevards, or the letting of a contract for the construction of the whole or any portion of any boulevard, the boulevard commission may, by order entered in its minutes, call an election for the purpose of determining whether bonds shall be issued for the acquisition of rights of way for, and the construction of, such boulevard or boulevards, or for the payment of such contract. Such order shall fix the day of the election and shall specify the amount of such bond issue, and shall state in general terms the purposes for which the money to be raised from the sale of such bonds shall be used, which purposes shall be confined to the acquisition of rights of way for, and the construction of, a boulevard or boulevards in said district; *provided*, that if such election is called for a payment of a contract already entered into by the boulevard commission, such order shall state the terms of such contract in such manner as will advise the electors of the contents thereof; *provided, however*, that any moneys so raised which shall remain on hand after such acquisition of rights of way and construction have been completed, may and shall be expended in the betterment and maintenance of such boulevard or boulevards. Notice of such election shall be given by posting a copy of such order for three successive weeks prior to the election in at least three public places within the district, and by publication of a copy thereof for at least once a week for three successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published at the county seat of the county in which such district is located. Bond
election.

SEC. 6. Section fourteen of said act, approved May 1, 1911, as amended, is hereby amended to read as follows: Stats. 1917,
p. 1307.

SEC. 14. At any time prior to the day fixed for the election the commission shall select one, and may select two or more, polling places within the district, and select and appoint from among the qualified electors within the district, one inspector, and two judges for each polling place to conduct the same, and shall make all necessary and proper arrangements for holding the election. The ballots shall contain the words "bonds, yes" and "bonds, no." After the vote shall have been counted and the result announced by the election officers the ballots shall be sealed up and delivered to the secretary of the boulevard commission, with the election returns, and said commission shall, at its first meeting thereafter, canvass said returns. Notice of
election.
Polling
places and
election
officers.
Ballots.
Canvass of
returns.

and shall enter the result upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, not less than two-thirds of the votes cast be in favor of the issuance of bonds, the said commission shall have full power and authority to issue and sell said bonds as proposed in the order calling the election and as hereinafter provided. If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for one year after such election.

Stats. 1917,
p. 1810.

SEC. 7. Section twenty of said act, approved May 1, 1911, as amended, is hereby amended to read as follows:

Maintenance
and repair.

Sec. 20. The commission may do any or all work of maintenance or repair upon such boulevard, or boulevards, either with or without contract therefor, and with or without advertising for bids for contracts for such work of maintenance and repair, at its discretion; *provided, however*, that if the cost of any such work of maintenance or repair shall exceed the sum of one thousand dollars, then such work shall be done under contract pursuant to bids for such work after advertising in the same manner herein provided for advertising for bids and letting contracts for construction work.

CHAPTER 237.

An act to add a new section to the Civil Code, to be numbered three hundred thirty-one a, relating to the personal liability of trustee stockholders for assessments upon stock of corporations.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered three hundred thirty-one a, and to read as follows:

Trustee not
liable for
assessments
on stock.

331a. Whenever shares of the capital stock of any corporation stands in the name of a trustee with the names of the beneficiaries of the trust disclosed thereon or whenever the corporation has notice that any of its shares of stock is held in trust, and has a list of the names of the beneficiaries of such trust, even though the certificate representing said shares is issued in the name of the trustee individually, and without any notice thereon of such trust, the person holding such stock as trustee shall not be personally liable for assessments made or levied by the corporation upon such stock, but such personal liability for stock assessments shall only be upon and against the beneficial owners of such stock or the beneficiaries of the trust of which such stock may constitute a part.

CHAPTER 238.

An act defining henceforth the exterior boundaries of Reclamation District No. 108, situated partly in the counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the state, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa county, and conferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108, as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa county, to include the lands in said assessment, as described in this act, in the event that said assessment is not levied before this act shall take effect.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. The exterior boundaries of Reclamation District No. 108, situated partly in the counties of Colusa and Yolo, State of California, shall henceforth be as follows, to wit:

Commencing at a point on the right bank of the Sacramento river at a point from whence an oak tree thirty inches in diameter standing two hundred seventy feet southerly from the center of an Indian mound bears

Boundaries
of Reclamation
District
No. 108.

Boundaries
of Reclama-
tion District
No. 108.

south forty-three and one-fourth degrees west six hundred forty feet distant, and which point is the north-west corner of Reclamation District No. 787, and in section thirty, township twelve north, range two east, Mount Diablo base and meridian, in the county of Yolo, State of California; thence south forty-three and one-fourth degrees west along the westerly boundary line of Reclamation District No. 787 to said oak tree thirty inches in diameter, situated two hundred seventy feet southerly from the center of said Indian mound; thence south forty-three and one-half degrees west along said boundary of Reclamation District No. 787, to an oak tree four feet in diameter, having an eight-inch wire nail in the north side; thence continuing along said boundary of said district south fourteen degrees west, about nine thousand two hundred fifty feet to a point one-quarter of a mile west of the center of section six, township eleven north, range two east, Mount Diablo base and meridian; thence south three-quarters ($\frac{3}{4}$) of a mile to the southeast corner of the northwest quarter of the northwest quarter of section seven in said last mentioned township and range; thence west to range line between ranges one and two east, and the southwest corner of said northwest quarter of the northwest quarter of said section seven; thence south along the range line to the southeast corner of section twelve in township eleven north, range one east, Mount Diablo base and meridian; thence west one and one-half ($1\frac{1}{2}$) miles to the quarter section corner between sections eleven and fourteen in said last mentioned township and range; thence north through the center of said section eleven to the quarter section corner between said section eleven and section two in said last mentioned township and range; thence west one mile to the quarter section corner between sections three and ten, said last mentioned township and range; thence north one (1) mile through the center of said section three to the township line between townships eleven and twelve north, and to the quarter section corner between section three in said township eleven and said section thirty-four in township twelve north, range one east; thence west one (1) mile to the quarter section corner between section four in township eleven north and section thirty-three in township twelve north, range one east; thence north zero degrees 50 minutes east to a point nine hundred eighty-four and three-tenths (984.3) feet south of the center of said section thirty-three in township twelve north, range one east; thence north eighty-one degrees fifty-nine minutes west two thousand six hundred eighty and four-tenths (2680.4) feet to the line between sections thirty-two and thirty-three in said last mentioned township and range; thence south, along said line to the southeast corner of said section thirty-two; thence west one (1) mile to the southwest corner of said section thirty-two; thence north, along the section line between sections thirty-one and thirty-two in said township and range to a point seven hundred forty-six and two-tenths

(746.2) feet north of the quarter section corner between said sections thirty-one and thirty-two; thence north thirty-one degrees fourteen minutes thirty seconds west, eleven thousand five hundred twenty-seven and one-tenth (11,527.1) feet to a point six hundred (600) feet west of the quarter section corner between sections nineteen and twenty-four, township thirteen north, and ranges one east and one west; thence parallel with the meridian line north zero degrees four minutes east to the north boundary line of section one in said township twelve north, range one west, and the line between the counties of Yolo and Colusa; thence northeasterly in a straight line to the northeast corner of the southeast quarter of section thirty-six in township thirteen north, range one west, Mount Diablo base and meridian, in the county of Colusa; thence north to the northeast corner of said section thirty-six; thence continuing north to an intersection with a line running parallel with and five hundred (500) feet westerly from the westerly base of "Howell point" levee, which point of intersection is one and ninety-six hundredths (1.96) chains south of the northeast corner of section twenty-five in said township thirteen north, range one west, Mount Diablo base and meridian; thence north thirty-one degrees, forty-five minutes west, parallel with and five hundred feet westerly of the base of said "Howell point" levee sixty-six and ninety-six hundredths (66.96) chains; thence north forty-eight degrees, fifteen minutes west, to an intersection with the south line of section eleven said last mentioned township and range, at a point one and sixty-four hundredths (1.64) chains east of the southwest corner of said section eleven; thence west one and sixty-four hundredths (1.64) chains to the southwest corner of section eleven; thence (variation eighteen degrees, thirty minutes east) north zero degrees, seven minutes east three and ninety-three hundredths (3.93) chains to the westerly boundary of a certain tract of land over which Henry Gregory granted to Reclamation District No. 108 a right of way for levee and canal purposes, by deed recorded in the office of the county recorder of the county of Colusa, on the thirty-first day of March, 1903, in book 55 of deeds, at page 514; thence (variation eighteen degrees, thirty minutes east) north forty-two degrees, twenty-seven minutes west along the western boundary of said last mentioned tract, one hundred four and twenty-four hundredths (104.24) chains to a stake on the line between sections three and ten, said last mentioned township and range, at a point fourteen and twenty-nine hundredths (14.29) chains east of the northwest corner of said section ten; thence west along the line between said sections three and ten to the said northwest corner of said section ten; thence north on the line between sections three and four in said last mentioned township and range, fifteen and sixty hundredths (15.60) chains to the westerly boundary of a certain tract of land over which Andrew Hopkins granted to Reclamation District No. 108 a

Boundaries
of Reclama-
tion District
No. 108.

Boundaries
of Reclama-
tion District
No. 108.

right of way by deed recorded in the office of the county recorder of Colusa county, on the thirty-first day of August, 1906, in book 62 of deeds, at page 102; thence north forty-two degrees, twenty-seven minutes west, forty-three and twenty-nine hundredths (43.29) chains, to the intersection with the north boundary line of land now owned by Andrew Hopkins in section four; thence continuing on same course, forty-three and eleven hundredths (43.11) chains to township line between townships thirteen and fourteen north, range one west, at a point seven and twenty-seven hundredths (7.27) chains west of the quarter section corner between said section four and section thirty-three in township fourteen north, range one west; thence west to the quarter section corner between section five, township thirteen north, range one west, and section thirty-two in township fourteen north, range one west, Mount Diablo base and meridian; thence north to the center of section twenty-nine, township fourteen north, range one west; thence east to the center of section twenty-seven, said township and range; thence north to the center of the south half of section twenty-two, said township and range; thence east to the northeast corner of the southeast quarter of the southeast quarter of said section twenty-two; thence north to the quarter section corner between sections twenty-two and twenty-three; thence east to the quarter section corner between sections twenty-three and twenty-four, said township and range; thence north to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-four; thence east to the center of the northwest quarter of said section twenty-four; thence north to the south line of section thirteen, same township and range; thence west to the southwest corner of said section thirteen; thence north to the quarter section corner between sections thirteen and fourteen, same township and range; thence east through the center of said section thirteen to the quarter section corner between sections thirteen and eighteen on the meridian line between ranges one west and one east; thence north along the above mentioned meridian line to the northwest property corner of Harvey W. Hoffman; thence north seventy-five degrees, twenty-one minutes east a distance of one thousand six hundred sixty-one (1661) feet; thence south eleven degrees, fourteen minutes east a distance of one thousand ninety (1090) feet; thence south sixty-eight degrees, forty-one minutes west a distance of three hundred thirty (330) feet; thence south three degrees, seven minutes east a distance of two thousand two hundred ninety (2290) feet; thence north fifty-nine degrees, eight minutes east a distance of one thousand four hundred ninety-eight (1498) feet; thence south zero degrees, twenty minutes west a distance of one thousand nine hundred seventy (1970) feet to the southeast corner of the property of the aforementioned Harvey W. Hoffman; which point is the northeast corner of the southeast quarter of the northwest quarter

of section nineteen, township fourteen north, range one east, Mount Diablo base and meridian; thence south along the midsection line of section nineteen, same township and range to the southwest corner of the northwest quarter of the southeast quarter of said section nineteen; thence east to the west line of the county road at a point on the line dividing the north half and the south half of the southwest quarter of section twenty-one, said township and range; thence south along the west line of said county road to the south line of said section twenty-one; thence east to the quarter section corner between sections twenty-one and twenty-eight, said township and range; thence south to the southeast corner of the southwest quarter of section thirty-three said township and range; thence west to the southwest corner of the southeast quarter of the southwest quarter of said section thirty-three; thence south to the center of the northwest quarter of section four in township thirteen north, range one east, Mount Diablo base and meridian; thence west to the west line of said section four; thence south to the quarter section corner between sections four and five in said last mentioned township and range; thence east to the southeast corner of the southwest quarter of the northwest quarter of said section four; thence north to the center of the northwest quarter of said section four; thence east to the east line of said section four; thence north to the northeast corner of said section four and the township line; thence northerly and easterly along the subdivision lines of Yolo Land company subdivision No. 1 as said lines are delineated and so designated on that certain map entitled, "Revised map of Yolo Land company subdivision No. 1," filed November 6, 1912, in the office of the recorder of Colusa county, in map book 1, at page 86 as follows: North zero degrees, nineteen minutes west two thousand six hundred sixty-six and four-tenths (2666.4) feet; thence south eighty-nine degrees, fifty-three minutes east ten thousand thirty (10,030.0) feet to the right or westerly bank of the Sacramento river; thence southerly following with and along the westerly bank of the Sacramento river to the westerly boundary of the property of George Bullock at a point which bears north zero degrees, forty-three minutes east two thousand seven hundred seventy-six and nine-tenths (2776.9) feet from the corner common to sections one, two, eleven and twelve, township thirteen north, range one east, Mount Diablo base and meridian; thence continuing along said westerly bank of the Sacramento river the following courses and distances: South sixty-one degrees, twenty-three minutes east five hundred eighty (580.0) feet, south fifty-eight degrees, thirty-six minutes east three hundred forty (340) feet, south sixty-four degrees, forty-two minutes east two hundred fourteen (214.0) feet; thence leaving the right or westerly bank of the Sacramento river, and along the easterly toe of the existing levee across race track bend, with the following courses and distances: South seven-

Boundaries
of Reclama-
tion District
No. 108.

Boundaries
of Reclama-
tion District
No 108

teen degrees, fifty minutes west nine hundred eighty-two (982.0) feet, south four degrees, thirty-five minutes east one hundred thirty-three (133) feet, south twenty-seven degrees, fifty-seven minutes east one hundred twenty-two (122.0) feet, south forty degrees, thirty-two minutes east one hundred ninety-five (195.0) feet, south fifty-six degrees, forty-one minutes east one hundred seventy (170.0) feet to the right or westerly bank of the Sacramento river; thence southeasterly along and with the right or westerly bank of the Sacramento river to a point which bears south forty degrees, eight minutes east three thousand two hundred thirty-one and six-tenths (3231.6) feet from the northerly corner of the property of George Bullock, which is the east sixteenth corner of the southeast quarter of section two, township twelve north, range one east, Mount Diablo base and meridian; thence along the easterly toe of the existing levee across ministerial bend south twenty-one degrees, twelve minutes east two thousand three hundred ten (2310.0) feet to the right or westerly bank of said Sacramento river; thence southerly along and with the right or westerly bank of the Sacramento river to a point which bears south nineteen degrees, fifty-three minutes east seven thousand three hundred (7300.0) feet from the aforesaid property corner of George Bullock; thence along the easterly toe of the existing levee across the bend at Collins eddy as follows: South fifty degrees, twenty-eight minutes west two thousand eight hundred fifty-four and two-tenths (2854.2) feet, south twenty-nine degrees, twenty-one minutes west one thousand five hundred sixty-nine and eight-tenths (1569.8) feet to the right or westerly bank of the Sacramento river; thence southerly along and with the right or westerly bank of the Sacramento river to a point which bears south five degrees, two minutes west eleven thousand one hundred nine and one-tenth (11,109.1) feet from the aforesaid property corner of George Bullock; thence along the easterly toe of the existing levee south six degrees, six minutes west seven hundred forty and five-tenths (740.5) feet; thence south thirty-one degrees, eighteen minutes east one thousand five and one-tenth (1005.1) feet to the right or westerly bank of the Sacramento river; thence southeasterly along and with the right bank of the Sacramento river to the point of beginning.

Election of
trustees.

SEC. 2. The present trustees of said Reclamation District No. 108, as defined in that certain act approved May 26, 1917, shall continue in office as such trustees of Reclamation District No. 108, as defined in this act, until the election and qualification of their successors, and for this purpose an election for trustees in said Reclamation District No. 108, as defined by this act, shall be held, in accordance with the provisions of law, on the last Monday in October, 1919, and thereafter an election for trustees shall be held on the last Monday in October every two years thereafter, and the term of any board of trustees shall be until their successors are elected and qualified.

Sec. 3. The said Reclamation District No. 108, as defined in this act, so far as its management and control and affairs are concerned, shall be subject to the provisions of the Political Code of the State of California, and to all other laws of this state relative to reclamation districts, except as hereinafter provided. Subject to provisions of Political Code

All warrants drawn by the trustees of Reclamation District No. 108, as defined in this act, must, after they are approved by the board of supervisors of Colusa county, be presented to the county treasurer of Colusa county, upon which they are drawn, and if they are not paid upon presentation for failure of funds, such endorsement must be made thereon and they must be registered by said treasurer and bear legal interest thereafter from the date of issuance and be thereafter payable in the order of such registration; *provided, however*, when there are any moneys available in the said county treasury for the payment of any warrant, interest shall cease thereon from the time that such money is available; *and provided, however*, that the board of trustees of such district shall, upon the demand of the holder of any warrant, until the warrant is paid by the county treasurer, annually pay the interest upon any such warrant by the issuance of a new warrant, which will include the amount of the accrued interest, and, likewise, each new warrant so issued for interest shall bear the same rate of interest and the interest thereon shall be paid annually by the issuance of the new warrant for such interest, as hereinbefore provided. Warrants

Any warrant, however, shall be received by the county treasurer in payment of any assessment of said reclamation district, or of any land in said district, as defined by this act, without regard to the order of its presentation at any time during the time that the assessment list containing such assessment shall remain in the hands of the county treasurer, as is provided in section three thousand four hundred sixty-five of the Political Code, or any other provision of law; *provided, however*, that after any assessment list of said district shall have been delivered by the county treasurer to the board of trustees of said district, as provided in section three thousand six hundred forty-six of the Political Code, or any other provision of law, the assessments therein contained shall be payable annually in lawful money of the United States, and warrants shall not thereafter be received in payment of such assessment. All money received by the trustees of said district in payment of the assessment, or from any source of said district, shall be paid and deposited with the county treasurer of Colusa county. Warrant, in payment of assessment

In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Colusa shall appoint a qualified person as trustee, who shall hold office for the unexpired term. The board of supervisors of the county of Colusa shall have exclusive jurisdiction of all matters concerning said matters as to which jurisdiction is conferred upon a board of Jurisdiction over district

supervisors. All funds of said district shall be deposited in the county treasury of the county of Colusa and shall be distributed by the treasurer of said county in the payment of the warrants of said district. In the event that any assessment shall be paid, either in money or in warrants, to the county treasurer of the county of Yolo, the same shall forthwith be transmitted by him to the county treasurer of the county of Colusa and placed to the credit of such district, as defined in this act.

**Incorporation
of certain
lands
ratified.**

SEC. 4. The incorporation of certain lands owned by Emma L. Greene within said Reclamation District No. 108, as contained in that certain notice filed in the office of the county recorder of the county of Colusa, State of California, and recorded on the sixth day of February, 1919, in book 2 of miscellaneous records, at page 247, and also certain other lands owned by Emma L. Greene within said Reclamation District No. 108, as contained in that certain notice filed in the office of the county recorder of the county of Colusa, State of California, and recorded on the sixth day of February, 1919, in book 2 of miscellaneous records, at page 250, and also of certain lands owned by Harvey W. Hoffman within said Reclamation District No. 108, as contained in that certain notice filed in the office of the county recorder of the county of Colusa, State of California, and recorded on the thirteenth day of February, 1919, in book 2 of miscellaneous records, at page 256, and also certain other lands owned by Harvey W. Hoffman within said Reclamation District No. 108, as contained in that certain notice filed in the office of the county recorder of the county of Colusa, State of California, and recorded on the thirteenth day of February, 1919, in book 2 of miscellaneous records, at page 257, is hereby ratified, confirmed and approved, and the lands described in said notice are incorporated within the exterior boundaries of said Reclamation District No. 108, and as hereinbefore described.

**Settlement
for lands
incorporated.**

The board of trustees of said Reclamation District No. 108, as defined in this act, shall have the right and power to make an equitable adjustment and settlement with the owner of the lands described in the said notice so recorded in the office of the county recorder of the county of Colusa, State of California, as to the proportion of the cost of any works which have heretofore been constructed by Reclamation District No. 108, or any of its predecessors in interest, or that may be constructed before this act takes effect.

**Successor to
districts
created by
former acts**

SEC. 5. The said Reclamation District No. 108, as defined in this act, is declared to be the successor in interest of Reclamation District No. 108, as defined in that certain act approved May 26, 1917, and also that certain Reclamation District No. 108, as defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, as defined in that certain act approved April 23, 1913. All the acts and proceedings of said Reclamation District No. 108, as defined in said act approved May 26, 1917, and also of the said

**Proceedings
validated.**

Reclamation District No. 108, as defined in said act approved May 18, 1915, and also of the said Reclamation District No. 108, as defined in said act approved April 23, 1913, and the board of trustees of each thereof, are hereby ratified, confirmed and approved and declared valid, providing that nothing herein contained shall be construed to validate any liability or claim against said district which does not now legally exist against any such district.

SEC. 6. In the event that the commissioners of assessment, heretofore appointed by the board of supervisors of the county of Colusa to levy an assessment on the lands in said Reclamation District No. 108, as existing and defined by the said act approved May 26, 1917, shall not have levied the assessment in said Reclamation District No. 108 by the time this act takes effect, then the said commissioners of assessment, heretofore appointed by the said board of supervisors of the county of Colusa, or, in case of a vacancy, then their successors shall, in levying said assessment, levy the same upon the lands within the said Reclamation District No. 108, as the same are delineated and defined in this act.

Assessments to be levied upon lands defined in this act.

CHAPTER 239.

An act determining and defining the exterior boundaries of Knight's Landing ridge drainage district, created by that certain act approved April 30, 1913, for the purpose of correcting an error in description.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. The exterior boundaries of the Knight's Land-
ing ridge drainage district, created by that certain act approved
April 30, 1913, in order to correct a clerical error in the
description thereof, are hereby determined and defined to be
as follows, to wit:

Boundaries of Knight's Landing ridge drainage district.

Beginning at a point which is the intersection of the township line dividing township twelve north, range one east and township thirteen north, range one east, Mount Diablo base and meridian. and the right or west bank of the Sacramento river, said point being on the boundary line between the counties of Colusa and Yolo, State of California; and thence southeasterly along and with the said right or west bank of the said Sacramento river, to the intersection with the east boundary line of section twelve in township twelve north, range one east; thence south along the east line of said section twelve to its intersection with the right bank of said Sacramento river; thence southeasterly along the right or west bank of said Sacramento river to its intersection with the quarter

Boundaries
of Knight's
Landing
Judge
drainage
district.

section line running north and south through the center of section thirty-two, township eleven north, range three east, Mount Diablo base and meridian; thence south to the center of section eight, township ten north, range three east, Mount Diablo base and meridian; thence west to the quarter section corner common to section seven, township ten north, range three east and section twelve, township ten north, range two east; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section twelve; thence west to the east line of section eleven, township ten north, range two east; thence north to the section corner common to sections one, two, eleven and twelve, township ten north, range two east; thence west to the southwest corner of the southeast quarter of the southeast quarter of said section two; thence north to the center of the southeast quarter of said section two; thence west to the center of the southwest quarter of said section two; thence north to the midsection line running east and west through the said section two; thence west to the east line of section three, township ten north, range two east; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section three; thence west to the center of the northeast quarter of said section three; thence north to the center of the southeast quarter of section thirty-four, township eleven north, range two east; thence west to the midsection line running north and south through said section thirty-four; thence north to the center of said section thirty-four; thence west to the southwest corner of the southeast quarter of the northwest quarter of said section thirty-four; thence north to the midsection line running east and west through section twenty-seven, township eleven north, range two east; thence east to the center of said section twenty-seven; thence north to the south line of section twenty-two, township eleven north, range two east; thence east to the southwest corner of the southeast quarter of the southeast quarter of said section twenty-two; thence north to the midsection line running east and west through the said section twenty-two; thence east to the west line of section twenty-three, township eleven north, range two east; thence north to the northeast corner of said section twenty-two; thence west to the northwest corner of said section twenty-two; thence north to the one-fourth section corner between sections fifteen and sixteen, said township and range; thence west to the one-fourth section corner between sections seventeen and eighteen; said township and range; thence north to the northeast corner of the southeast quarter of the northeast quarter of section eighteen; thence west to the center of the northeast quarter of the said section eighteen; thence north to the center of the southeast quarter of section seven, township eleven north, range one east; thence west to the center of the southwest quarter of the said section seven; thence north to the center of the northwest quarter of the said section seven; thence west to range line between ranges one and two east and the southwest corner of

said northwest quarter of the northwest quarter of said section seven; thence south along the range line to the southeast corner of section twelve in township eleven north range one east, Mount Diablo base and meridian; thence west, one and one-half miles to the quarter section corner between sections eleven and fourteen in said last mentioned township and range; thence north, through the center of said section eleven, to the quarter section corner between said section eleven and section two in said last mentioned township and range; thence west one mile to the quarter section corner between sections three and ten, said last mentioned township and range; thence north one mile through the center of said section three to the township line between townships eleven and twelve north, and to the quarter section corner between section three in said township eleven and section thirty-four in said township twelve north, range one east; thence west one mile to the quarter section corner between section four in township eleven north and section thirty-three in township twelve north, range one east; thence north zero degrees, fifty minutes east to a point nine hundred eighty-four and three-tenths (984.3) feet south of the center of said section thirty-three, in township twelve north, range one east; thence north eighty-one degrees, fifty-nine minutes west two thousand six hundred eighty and four-tenths (2,680.4) feet to the line between sections thirty-two and thirty-three, in said last mentioned township and range; thence south along said line, to the southeast corner of said section thirty-two; thence west one mile to the southwest corner of said section thirty-two; thence north, along the section line between sections thirty-one and thirty-two in said township and range to a point seven hundred forty-six and two-tenths (746.2) feet north of the quarter section corner between said sections thirty-one and thirty-two; thence north thirty-one degrees, fourteen minutes thirty seconds west, eleven thousand five hundred twenty-seven and one-tenth (11,527.1) feet to a point six hundred feet west of the quarter section corner between section nineteen, township twelve north, range one east and section twenty-four, township twelve north, range one west; thence parallel with the meridian line north zero degrees four minutes east to the north boundary line of section one, in said township twelve north, range one west, and the line between the counties of Yolo and Colusa; thence northeasterly in a straight line to the northeast corner of the southeast quarter of section thirty-six, in township thirteen north, range one west, Mount Diablo base and meridian, in the county of Colusa; thence north to the northeast corner of said section thirty-six; thence continuing north to an intersection with a line running parallel with and five hundred feet westerly from the westerly base of "Howell point" levee, which point of intersection is one and ninety-six hundredths (1.96) chains south of the northeast corner of section twenty-five in said township thirteen north, range one west, Mount Diablo base and meridian; thence north thirty-one degrees, forty-five minutes west,

Boundaries
of Knight's
Landing
ridge
drainage
district

Boundaries
of Knight's
Landing
ridge
drainage
district.

parallel with and five hundred feet westerly of the base of said "Howell point" levee, sixty-six and ninety-six hundredths (66.96) chains; thence north forty-eight degrees, fifteen minutes west, to an intersection with the south line of section eleven, said last mentioned township and range at a point one and sixty-four hundredths (1.64) chains east of the southwest corner of said section eleven; thence west one and sixty-four hundredths (1.64) chains to the southwest corner of section eleven; thence (variation eighteen degrees, thirty minutes east) north zero degrees, seven minutes east, three and ninety-three hundredths (3.93) chains to the westerly boundary of a certain tract of land over which Henry Gregory granted to Reclamation District No. 108 a right of way for levee and canal purposes, by deed recorded in the office of the county recorder of the county of Colusa, on the thirty-first day of March, 1903, in book 55 of deeds at page 514; thence (variation eighteen degrees, thirty minutes east) north forty-two degrees, twenty-seven minutes west, along the western boundary of said last mentioned tract, one hundred four and twenty-four hundredths (104.24) chains to a stake on the line between sections three and ten said last mentioned township and range, at a point fourteen and twenty-nine hundredths (14.29) chains east of the northwest corner of said section ten; thence west, along the line between said sections three and ten to the said northwest corner of said section ten; thence north, on the line between sections three and four in said last mentioned township and range, fifteen and sixty hundredths (15.60) chains to the westerly boundary of a certain tract of land over which Andrew Hopkins granted to Reclamation District No. 108 a right of way by deed recorded in the office of the county recorder of Colusa county, on the thirty-first day of August, 1906, in book 62 of deeds, at page 102; thence north forty-two degrees, twenty-seven minutes west, forty-three and twenty-nine hundredths (43.29) chains to an intersection with the north boundary line of land now owned by Andrew Hopkins in section four; thence, continuing on same course, forty-three and eleven hundredths (43.11) chains to township line between townships thirteen and fourteen north, range one west, at a point seven and twenty-seven hundredths (7.27) chains west of the quarter section corner between said section four and section thirty-three in township fourteen north, range one west; thence west to the quarter section corner between section five, township thirteen north, range one west, and section thirty-two in township fourteen north, range one west, Mount Diablo base and meridian: thence north to the center of section twenty-nine, township fourteen north, range one west; thence east to the center of section twenty-seven in said township and range; thence north to the center of the south half of section twenty-two, said township and range; thence east to the northeast corner of the southeast quarter of the southeast quarter of said section twenty-two; thence north to the quarter section corner between sections twenty-two and

twenty-three; thence east to the quarter section corner between sections twenty-three and twenty-four, said township and range; thence north to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-four; thence east to the center of the northwest quarter of said section 24; thence north to the south line of section thirteen, same township and range; thence west to the southwest corner of said section thirteen; thence north to the quarter section corner between sections thirteen and fourteen, same township and range; thence east, through the center of said section thirteen to the quarter section corner between sections thirteen and eighteen on the meridian line between ranges one west and one east; thence south along the meridian line, and east boundary of said sections thirteen and twenty-four, to the southwest corner of the northwest quarter of the northwest quarter of section nineteen in township fourteen north, range one east, Mount Diablo base and meridian; thence east to the midsection line running north and south through the center of said section nineteen; thence south to the southeast corner of the northeast quarter of the northwest quarter of section thirty, in said township and range; thence west to the center of the northwest quarter of said section thirty; thence south to the midsection line running east and west through said section thirty; thence east to the center of said section thirty; thence south to the southwest corner of the northwest quarter of the northeast quarter of section thirty-one; thence east to the center of the northeast quarter of said section thirty-one; thence south to the midsection line running east and west through said section thirty-one; thence east to the east line of said section thirty-one; thence north to the southeast corner of the northeast quarter of the southeast quarter of said section thirty; thence west to the center of the southeast quarter of said section thirty; thence north to the midsection line running east and west through the center of said section thirty; thence east to the east line of said section thirty; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section thirty; thence east to the midsection line running north and south through the center of section twenty-nine, same township and range; thence north to the north line of said section twenty-nine; thence east to the northeast corner of the northwest quarter of the northeast quarter of said section twenty-nine; thence south to the midsection line running east and west through the center of said section twenty-nine; thence east to the center of section twenty-eight in said township fourteen north, range one east; thence south to the southeast corner of the northeast quarter of the southwest quarter of section thirty-three, said township and range; thence west to the center of the southwest quarter of said section thirty-three; thence north to the midsection line running east and west through the center of said section thirty-three; thence west to the west line of said section thirty-three; thence

Boundaries
of Knight's
Landling
ridge
drainage
district.

Boundaries
of Knight's
Landing
ridge
drainage
district.

south to the southwest corner of section thirty-three; thence east to the southwest corner of the southeast quarter of the southwest quarter of said section thirty-three; thence south to the center of the northwest quarter of section four in township thirteen north, range one east, Mount Diablo base and meridian; thence west to the west line of said section four; thence south to the quarter section corner between sections four and five in said last mentioned township and range; thence east to the southeast corner of the southwest quarter of the northwest quarter of said section four; thence north to the center of the northwest quarter of said section four; thence east to the east line of said section four; thence north to the northeast corner of said section four and the township line; thence east, along said township line between townships thirteen and fourteen north, range one east, to the quarter section corner between sections thirty-five in township fourteen north, range one east, and section two in township thirteen north, range one east, Mount Diablo base and meridian; thence south to the center of said section two; thence east to the east line of said section two; thence south to the quarter section corner between sections eleven and twelve, in said township thirteen north, range one east; thence west to the center of the east half of said section eleven; thence south to the south line of said section eleven; thence west to the quarter section corner between sections eleven and fourteen in said township and range; thence south to the center of said section fourteen; thence west to the west line of section fourteen; thence south to the southwest corner of said section fourteen; thence west to the southwest corner of the southeast quarter of the southeast quarter of section fifteen, same township and range; thence south to the south line of section twenty-seven, same township and range; thence west to the quarter section corner between sections twenty-seven and thirty-four, same township and range; thence south, through the center of said section thirty-four to the south line of said section thirty-four and the township line between townships twelve and thirteen north, said township line, being also the boundary line between the counties of Colusa and Yolo, State of California; thence east along the township line to the point of beginning, and being in the counties of Colusa and Yolo, State of California.

Purpose
of act.

The boundaries above described constitute the same body of lands described in section one of said act approved April 30, 1913, and over which body of lands the board of commissioners of said Knight's Landing ridge drainage district have and do now exercise jurisdiction, a clerical error having been made in the said description, as contained in section one of said act approved April 30, 1913, and this act being passed for the purpose of correcting said error, so that the description of the lands contained in said act shall correspond to the body of lands included in said Knight's Landing ridge drainage district.

CHAPTER 240.

An act to amend sections one thousand one hundred ninety-six and one thousand one hundred ninety-seven of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

[Approved May 7, 1919. In effect July 22, 1919.]

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

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

1196. Except as in this code otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county, participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county clerk, in the manner provided for by law, together with the names certified by the secretary of state to have received in the respective parties, the highest number of votes for United States senator. Ballots other than those printed by the respective county clerks, or the clerk or secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the county clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city and county, participate, and to cause to be printed on such separate ballots the name of every candidate for a city and county office whose name has been filed with the proper officer in the manner provided by law. It shall be the duty of the clerk or secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town, participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such clerk or secretary in the manner provided for by law. All ballots shall be not to exceed twenty-four inches in length, and shall be of sufficient width to contain in parallel columns three inches in width the names of all candidates nominated, and below the printed list of candidates for each office, the necessary blank space or spaces to permit an elector to write in the names of persons whose names are not printed on the ballot, and to contain in a separate column or columns of sufficient width statements of all questions, propositions or constitutional amendments to be submitted to vote of the electors, and shall be printed on tinted paper furnished by the secretary of state. It shall be the duty

County clerks
to provide
ballots.

Separate
ballots.

Size.

of the secretary of state to obtain and keep on hand, a sufficient supply of paper for ballots, and to furnish the same in quantities ordered, to any county clerk, or clerk or secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be watermarked with a design to be furnished by the secretary of state, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years; but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if printed upon the ballot, and marked as voted for.

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

1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

2. The order in which the list of offices shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall as nearly as may be practicable be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

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

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however,* that the names of candidates for the office of electors for president and vice president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first

Watermark.

Secret design.

When changed.

Voter may write in name.

One form of ballot.

Order of list of officers.

Officers voted for throughout state.

Presidential electors.

assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "a cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Voting space.

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Officers voted for in more than one county.

In certifying to each county clerk or registrar of voters the list of names as required in section twenty-three of the primary election law, the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Certifying list to county clerk.

Officers voted for in one county.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State senator or assemblyman.

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

City officers.

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

Independent candidate.

If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "Independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; *provided, however*, that in the case of judicial officers and school officers the word "Independent" shall be omitted.

Order of propositions.

Titles.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the secretary of state. The attorney general shall provide and return to the secretary of state a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; *provided, however*, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section one of article four of the constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question,

proposition, proposed law or proposed constitutional amendment with the secretary of state, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The secretary of state shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the attorney general. Within ten days after the same is filed with him, said attorney general shall provide and return to the secretary of state a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the attorney general shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the attorney general, the secretary of state shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the attorney general has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the attorney general. Any person who is dissatisfied with the ballot title prepared by the attorney general for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the secretary of state as hereinbefore provided, and within ten days after said notice shall have been mailed by the secretary of state, as above provided, file in writing with the secretary of state his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the attorney general and the said objections thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the attorney general and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the secretary of state within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the secretary

Statement of
purpose of
measure.

Board of
title com-
missioners.

Determina-
tion final.

of state by the said attorney general, or in case a different title has been prepared, certified and filed by the said board of title commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

Size of
ballot.

Head.ings.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be three inches in width, and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight-point roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight-point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated, the first political party so designated being the party with which such candidate was affiliated thirty-five days before the date of the primary election, as ascertained by the secretary of state from the affidavit of registration of such candidate in the office of the county clerk in the county in which such candidate resides; *provided*, that when a candidate has been nominated by petition, the word, "Independent," shall be printed to the right of his name: *and provided*, also, that as to candidates for judicial offices, and school offices the designation of the political party or parties, or the word "Independent," if there be an independent candidate, shall be omitted. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space three-eighths of an inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof three-eighths of an inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a

cross (X) therein and after the name of the candidate, his choice of particular candidates.

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for other offices by a double rule, above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "Legislative," "County," or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve-point, each such word being separated from the names of the candidates beneath by a three-point line.

Arrangement
of names of
candidates.

6. The left-hand side of each column of names on the ballot, and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide. The ballot shall be so printed as to give each voter a clear opportunity to designate, by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision two of this section. The binding or stitching of each package of ballots shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub not over one and one-half inches in width and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parenthesis, in small type, as follows: (This number is to be torn off by inspector); and one-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type at least twelve point in size, and enclosed in a parenthesis, the following "(Fold ballot to this perforated line, leaving top margin exposed)." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type at least twelve point in size, and with the four middle words underlined or otherwise made prominent, the following: "MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks

Borders.

Perforations.

Number.

General
ticket.

or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed immediately below the perforated line along the top of the ballot, and above the instructions to voters, the words in capital type at least twelve point in size the words "GENERAL TICKET," followed by the respective number of the congressional, senatorial, and assembly district in which the ballot is to be voted: and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of city and county offices, and also all ballots printed by the clerk, registrar of voters, or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner below the perforated line the words "MUNICIPAL TICKET." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

Municipal
ticket.

Ballots of
same size.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Two officers
for different
terms.

8. If two or more officers are to be elected for the same office for different terms, the terms for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "Full Term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "Short Term" printed immediately thereafter.

Propositions
column.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column, or columns of sufficient width, with voting squares, in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as herein provided for, and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he

shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection, stamp a cross (X) ^{Instruction to voters.} in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

In elections when electors of president and vice president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: "To vote for all or a group of persons, stamp a cross (X) in the square opposite such group," this instruction appearing immediately before the words: "To vote for a person not on the ballot."

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

10. Except as to the order of the names of candidates, the ^{Form of ballot.} ballots shall be printed substantially in the following form:

[Form of ballot on inserts.]

CHAPTER 241.

An act providing for the return to the national guard of the state of all those organizations, officers, and members of the national guard who entered the service of the United States in 1917 in the war against Germany, and relating to their privileges, exemptions and retirements.

[Approved May 7, 1919. In effect July 22, 1919.]

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

Federal
service
considered as
continuous
state service.

SECTION 1. Each and all of the officers and members of the national guard and the naval militia of the State of California who were called into service by the call of the President and who were on the fifth day of August, 1917, drafted into federal service are hereby granted leave of absence from the state forces from the time of call or draft into federal service as national guard and until they shall have been mustered out from the federal service, and while serving as federal troops their time shall be considered as continuous in so far as it pertains to their service as state troops; *provided*, they re-enter the national guard of this state within ninety days of muster out from federal service.

Privileges,
exemptions
and
retirements.

SEC. 2. All members of the national guard who entered federal service or whose term of office or enlistment would have expired had they remained in the national guard of the state, are hereby granted all privileges, exemptions and retirements up to the date of being mustered out of said federal service, the same as if they had remained in the national guard of the state. In computing the term of service for any members regarding privileges, exemptions or retirements, provided by law, for officers and members of the national guard, the time which any officer or enlisted man has served in the army or navy of the United States shall be computed and allowed for as continuous service in so far as it pertains to state service; *provided*, that they re-enter the national guard of the state within a period of ninety days from the date of muster out of federal service.

Preference in
reorgan-
ization.

SEC. 3. When reorganizing the national guard of the state, those units who have or may be in federal service shall be first considered in such reorganization; *provided*, they shall request such re-entry into state service within the ninety days from the period of discharge from federal service.

Rank.

SEC. 4. In compliance with the national defense act, all officers must be recommissioned and all enlisted men re-enlisted. All officers will be commissioned with the same rank as that held by them upon their entrance into federal service, or such rank as they may have attained while in federal service; *provided*, that in all cases officers must be commissioned in accordance with the table of organization provided by the war department of the United States government.

SEC. 5. No organization, officer or member hereby granted leave of absence shall draw or be allowed any pay, allowance, money or property from the State of California, during the said leave of absence, but organizations shall be entitled to all military allowances provided by law as soon as they are recruited up to the minimum required by law and accepted as national guard, and that fact is reported and approved by the governor.

Pay not allowed during leave of absence.

CHAPTER 242.

An act to amend section twelve of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 21, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three and twenty-four of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with the provisions of this act," approved June 16, 1913, and amended and approved May 29, 1917.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. Section twelve of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 21, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three, and twenty-four of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, and amended and approved May 29, 1917, is hereby amended to read as follows:

Stats. 1916, extra session, p. 18.

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color

Ballots.

Nonpartisan
ballot.

for each of the political parties participating in the primary election. There shall also be printed and provided a nonpartisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the nonpartisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a nonpartisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

Clerk to
provide
ballot.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be

Ballot paper.

used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section one thousand one hundred ninety-six 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.

Size.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision five of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

How printed.

3. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than forty-eight point, the words: "Official Primary Election Ballot"; *providing*, that on a nonpartisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "Nonpartisan Ballot." Beneath the party designation or the words "Nonpartisan ballot," as

the case may be, insert the respective number of the congressional, senatorial, or assembly district in which the ballot is to be voted, in black-face type, as large as the width of the ballot shall make possible. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official Primary Election Ballot" shall be printed thereon in heavy-faced gothic capital type, not smaller than twenty-four point. The party or nonpartisan designation shall be printed in heavy-faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

4. At least three-eighths of an inch below the district designation 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."

Instructions
to voters.

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 party and nonpartisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the list of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading STATE shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the state board of equalization. In the second column, under the heading CONGRESSIONAL shall be printed the groups of names for United States senator in congress, if any, and for representative in congress. Next, under the heading LEGISLATIVE shall be printed the groups of names for state senator, if any, for member of assembly, and for election as delegate to the state convention from a "hold-over senatorial district," if any. Finally under the heading COUNTY COMMITTEE shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where

Candidates'
names in
parallel
columns.

Order of
precedence.

Manner of
printing
names.

state officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading JUDICIAL shall be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court and justice of the peace. Next, under the heading SCHOOL shall be printed all the names of candidates for school offices in the order of state superintendent of instruction, superintendent of schools, and school district officers, if any. Next, under the heading COUNTY AND TOWNSHIP shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The nonpartisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of officers and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

Tally sheet.

Candidate;
for judicial
offices, etc.

6. The group of names of candidates for nomination to any judicial office, school office, county office, or township office shall include all the names receiving the requisite number of signatures on a nomination paper for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

Order of
lists of
candidate.

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

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

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

order of
lists of
candidates.

(b) If the office is an office to be voted on throughout, but wholly within, one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; *provided*, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator or assemblyman, or delegate to the state convention from a "hold-over senatorial

district," or member of a county central committee, or any office except the office of representative in congress to be voted on wholly within any county or city and county but not throughout such county or city or county. the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

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

Order of
publication
of names
and
addresses.

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

Designation
of office.

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

Printing
names of
candidates.

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

Headings.

Borders and
perforations.

stitching of each package of ballots shall be on the left side thereof. The ballots shall be printed on the same leaf with a stub not over one and one-half inches in width, and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parenthesis in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type, at least twelve point in size, and enclosed in a parenthesis, the following: "(Fold Ballot to this Perforated Line, Leaving Top Margin Exposed)". Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least twelve point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; *provided*, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

Number
of ballots.

Form of
ballot.

[Form of ballot on inserts.]

CHAPTER 243.

An act to amend section one thousand one hundred ninety-five b of the Political Code, relating to the preparation, printing and distribution of statements concerning proposed constitutional amendments, and to the printing and distribution of such constitutional amendments and propositions, measures and questions to be submitted to the vote of the electors.

[Approved May 7, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand one hundred ninety-five b of the Political Code is hereby amended to read as follows:

1195b. The secretary of state shall duly, and not less than thirty days before the election next ensuing at which such amendments, propositions, measures or questions are to be voted on, certify such pamphlet and the matters contained therein and furnish each county clerk in the state with not more than one and one-twentieth times as many copies of such pamphlets as there are registered voters in his county. The clerk of each county shall not more than twenty-five days, nor less than fifteen days prior to said election cause to be mailed to each voter a copy of such pamphlet and no other publication of such amendments, propositions, measures, questions or statements shall be necessary or authorized. Three copies of such 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.

Pamphlets regarding constitutional amendments, etc., to be mailed to county clerks.

Copy mailed to each voter.

CHAPTER 244.

An act to amend sections one, two, four and six of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the fish and game commission," approved May 18, 1917, and to add a new section to be numbered sixteen.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be

filed with the fish and game commission," approved May 18, 1917, is hereby amended to read as follows:

Section 1. Every person who, between the last day of February and the fifteenth day of October of any year, traps, hunts, takes or kills any fur-bearing mammal is guilty of a misdemeanor. Killing fur-bearing mammal.

SEC. 2. Section four of said act approved May 18, 1917, is hereby amended to read as follows: Stats. 1917. p. 653.

Sec. 4. Every person in the State of California over the age of eighteen who traps for profit any fur-bearing mammals without first procuring a license therefor as provided by this act is guilty of a misdemeanor. Trapping without license.

SEC. 3. Section six of said act approved May 18, 1917, is hereby amended to read as follows: Stats. 1917. p. 653.

Sec. 6. Licenses herein provided for shall be issued as follows: (1) To any citizen of the United States upon payment of one dollar; (2) to any person not a citizen of the United States upon payment of two dollars; *provided, however,* that any veteran of the civil war by applying to the state board of fish and game commissioners may obtain a license without the payment of any fee. Fees.

SEC. 4. A new section to be known as section sixteen is hereby added to said act approved May 18, 1917:

Sec. 16. Nothing in this act shall prohibit the propagation of fur-bearing mammals in confinement in accordance with any rules and regulations that may be specified by the fish and game commission. Propagation in confinement.

CHAPTER 245.

An act to amend section one thousand six hundred sixteen of the Political Code, relating to the tax rate for kindergarten schools.

[Approved May 8, 1919. In effect July 22, 1919.]

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

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

1616. The board of education of every city, city and county, or the board of school trustees of every school district in this state, must, upon petition of the parents or guardians of twenty-five or more children between the ages of four and one-half and six years, residing within one mile of any elementary school building situate in such city, city and county, or school district, establish and maintain a kindergarten or kindergartens; *provided,* that the order of the board establishing such kindergarten or kindergartens shall be made only between the first day of June and the first day of August in any year; *and provided, further,* that after the first year in Kinder-garten.

which any kindergarten or kindergartens shall have been established and maintained, that the number of kindergartens which shall be maintained in any city, or city and county, or school district, during any particular school year, shall be determined by the governing body of the schools of such city, city and county or school district.

Estimate for
maintenance.

The board of education of every city, city and county, or the board of school trustees of every school district in which a kindergarten is established under the provisions of this act, must 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 the amount of money which will be required for the maintenance of any kindergarten or kindergartens in their several school districts for the ensuing school year.

Tax levy.

The county superintendent of schools shall thereupon examine said estimate 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 current year. If the county superintendent of schools approves such estimate, the board of supervisors shall, at the time and in the manner of levying other taxes, levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the amount so estimated and approved. The fund so levied shall be known as the kindergarten fund of ----- school district, as the case may be, and shall be available for the maintenance of the kindergarten or kindergartens established under the provisions of this section, and the moneys drawn from such fund shall be paid out in the same manner as the moneys from state and county school funds for the maintenance of the elementary schools are drawn and paid out. If the average daily attendance in any kindergarten in any city, city and county, or school district, shall be ten or less for the school year, the governing body of such city, city and county, or school district, shall, at the close of such school year, discontinue such kindergarten. In case a city, city and county, or school district maintains but one kindergarten, should such kindergarten be discontinued as provided by this section, the funds of such kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district, in which said kindergarten has been located; and in case any city, city and county, or school district maintains two or more kindergartens, the property and funds of a kindergarten which has been discontinued shall revert to the kindergarten or kindergartens which are still in operation in said city, city and county, or school district. The rate of taxation which may be levied for the support of kindergartens in any one

Discontinu-
ance.

Funds rever-

Rate of
taxation.

year shall not exceed fifteen cents on the one hundred dollars of the taxable property of such city, city and county, or school district; and such tax for the support of the kindergarten or kindergartens, shall be in addition to any other tax which may be levied for the support of the public schools.

CHAPTER 246.

An act to amend section six hundred thirty-two of the Penal Code, relating to the protection of fish.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

632. Every person who in fish and game districts one, one *b*, one *c*, one *d*, one *e*, one *f*, one *g*, one *h*, one *i*, one *j*, one *k*, one *l*, one *m*, twelve *a* and twelve *b* between November first and March thirty-first of the following year, both dates inclusive, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor. ^{Protection of trout.}

Every person who in fish and game districts one and one-half, one *a*, five, six, seven, seven *a*, eight and nine, between January first and March thirty-first of the same year, both dates inclusive, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor.

Every person who in fish and game districts two, two *a*, ten and ten *a* between March first and March thirty-first of the same year, both dates inclusive, or who between November first and December fourteenth of the same year, both dates inclusive, takes, catches, kills or has in his possession more than one trout during one calendar day is guilty of a misdemeanor.

Every person who in fish and game districts three, three *a*, three *b*, three *c*, three *d*, three *e*, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, between the first day of November and the thirty-first day of March of the year following, both dates inclusive, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor; *provided*, that in tide water in fish and game district three, five trout per day, regardless of weight, can be taken and possessed in fish and game district three, between December fifteenth and the last day of February of the year following, both dates inclusive.

Every person who in fish and game districts four, four *a*, four *b*, four *c*, four *d*, four *e*, four and one-half and twenty-one, between December first and April thirtieth of the year following, both dates inclusive, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor.

Protection
of trout.

Every person who in fish and game districts twenty-three, twenty-four and twenty-five between the first day of November and the twenty-ninth day of May of the following year, both dates inclusive, takes, catches, kills or has in his possession any variety of trout or white fish is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the taking of trout between May first and October thirty-first of the same year, both dates inclusive, in any lake exceeding twenty-five square miles in area within the boundaries of fish and game district twenty-five, or shall prohibit the possession within the boundaries of fish and game district twenty-five of such trout so taken.

Every person who in fish and game districts twenty-three and twenty-four between the first day of November and the thirty-first day of July of the year following, both dates inclusive, takes, catches, or kills any trout or white fish in any stream flowing into any lake within two miles extending from its mouth towards its source, or has in his possession any trout or white fish so taken in such streams is guilty of a misdemeanor.

Every person who between the first day of November and the thirty-first day of July of the year following, both dates inclusive, takes, catches or kills any trout in any lake within three hundred feet of the mouth of any stream flowing into such lake, or who has in his possession trout so taken, is guilty of a misdemeanor.

Limit.

Every person who at any time takes, catches or kills any trout except with hook and line, said hook and line to be used in the manner commonly known as angling, is guilty of a misdemeanor; *provided*, that in fish and game districts two, two *a* and ten not more than one trout may be taken, caught or killed by spear during any one calendar day during the entire year, except during the months of February and March.

Every person who in any fish and game district takes, catches, kills or has in his possession during one calendar day more than fifty trout or more than ten pounds of trout and one trout is guilty of a misdemeanor; *provided*, that it shall be lawful to take, catch, kill or have in possession in fish and game districts one and one-half, one *a*, five, six, seven, seven *a*, eight and nine not more than five trout regardless of weight during any one calendar day between November first and December thirty-first of the same year, both dates inclusive; *provided*, *further*, that it shall be lawful to take, catch, kill or have in possession not more than five trout regardless of weight, during any one calendar day, between December fifteenth and the last day of February of the following year, both dates inclusive, in fish and game districts two, two *a*, and ten; *provided*, *further*, that it shall be lawful to take, catch, kill or have in possession any number of Dolly Varden trout (*Salvelinus malma* or *Salvelinus parkei*) when such trout are taken in the open season for other trout in the same district.

Nothing in this section shall prohibit the possession and sale of steelhead and Dolly Varden trout from without the state nor the taking of any number of steelhead trout in fish and game districts five, six, seven *a* at such times and in such nets as is provided for the taking of salmon in those districts; nor the sale of such trout within the state when the same shall be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such steelhead trout or Dolly Varden trout for such inspection and tagging.

Steelhead
and Dolly
Varden trout.

Nothing in this section shall apply to trout raised under the provisions of the act authorizing and regulating the raising and selling of domesticated trout.

Domesticated
trout.

Nothing in this section shall prohibit the fish and game commission of this state, or persons authorized by them, from taking at all times such trout as they deem necessary for the purposes of propagation, or for scientific purposes.

Scientific
purposes.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars, or 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 ten or more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

Penalty.

All acts or parts of acts inconsistent herewith are hereby repealed.

Repealed.

CHAPTER 247.

An act to amend section seven 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, as amended.

[Approved May 10, 1919. In effect July 22, 1919.]

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

SECTION 1. Section seven 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

Stats. 1915,
p. 1204.

statistics and providing penalties for the violation hereof," approved February 20, 1905, as amended, is hereby amended to read as follows:

Minors under
eighteen no.
to work
over eight
hours.

Sec. 7. No minor under the age of eighteen years shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment or other place of labor, more than eight hours in one day of twenty-four hours, or more than forty-eight hours in one week, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week, nor before the hour of five o'clock in the morning, nor after the hour of ten o'clock in the evening.

CHAPTER 248.

An act to amend sections one and three of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, and to add a new section thereto, to be numbered one a.

[Approved May 10, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 828.

SECTION 1. Section one of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment;

and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, is hereby amended so as to read as follows:

Section 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, public lodging house, apartment house, hospital, place of amusement, or restaurant, or telegraph or telephone establishment or office, or in the operation of elevators in office buildings or by any express or transportation company in this state more than eight hours during any one day of twenty-four hours or more than forty-eight hours in one week. It shall be unlawful for any employer of labor to employ, cause to be employed or permit any female employee to labor any number of hours whatever, with knowledge that such female has heretofore been employed within the same date and day of twenty-four hours in any establishment and by any previous employer, for a period of time that will, combined with the period of time of employment by a previous employer exceed eight hours; *provided*, that this shall not prevent the employment of any female in more than one establishment where the total number of hours worked by said employee does not exceed eight hours in any one day of twenty-four hours. If any female shall be employed in more than one such place, the total number of hours of such employment shall not exceed eight hours during any one day of twenty-four hours or forty-eight hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day, or forty-eight hours during any one week; *provided*, *further*, that the provisions of this section in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, nor the harvesting, curing, canning or drying of any variety of perishable fruit, fish or vegetable during such periods as may be necessary to harvest, cure, can or dry said fruit, fish or vegetable in order to save the same from spoiling.

Females not to work more than eight hours per day.

Employment in more than one establishment.

Not applicable to nurses, fruit canning, etc.

CHAPTER 249.

An act to add a new section to the Political Code to be numbered one thousand seven hundred thirty-four a, providing for the annexation of elementary school districts to high school districts.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section to be numbered one thousand seven hundred thirty-four a is hereby added to the Political Code, to read as follows:

Petition to annex elementary school district to high school district.

1734a. Whenever the principal of a high school in any high school district shall present to the high school board of such high school district a statement made under oath that the average daily attendance in such high school of pupils from three or more families whose parents reside in an elementary school district lying wholly within the county and contiguous to such high school district was an average of three or more for the two school years next preceding, which statement shall set forth the names of said pupils, the high school board of such high school district may petition the board of supervisors of the county to annex such elementary school district to such high school district. Upon presentation of such petition accompanied by the sworn statement of the high school principal concerning the attendance and residence of such pupils, and a verification thereof by the county superintendent of schools, the board of supervisors may set the same for hearing at a regular meeting thereof and shall publish in a newspaper of general circulation in the county once each week for at least two weeks prior to such hearing a notice containing a general statement of the purpose of such petition and the time and place when and where the petition will be heard, and shall require the clerk of the board of supervisors to mail a copy of such notice to each of the trustees of such school district at least ten days prior to such hearing. The board of supervisors must at the time and place mentioned in such notice hear the persons interested in the petition and unless it shall be shown that said elementary school district is already paying through the county high school tax a reasonable amount toward the cost of such high school, shall make an order annexing such elementary school district to such high school district; *provided*, that if within sixty days after such order is made, a protest against such annexation signed by a majority of the electors of such elementary school district as shown by the affidavit of one of the protestants shall be filed with the board of supervisors, the board of supervisors shall rescind such order and shall cause to be levied upon the

Notice of hearing.

Hearing.

Order.

Protest.

property of such elementary school district a tax which shall produce an amount computed as follows: From the entire cost of maintenance of the high school for the year, there shall be subtracted the entire income of such high school from state and county sources; the remainder shall be divided by the units of average daily attendance in said high school; and the quotient so obtained shall be multiplied by the units of average daily attendance of pupils from the aforesaid elementary school districts; said amount shall be levied and collected from such elementary school district in the usual way and shall be paid into the special fund of the high school district; *provided, further,* that the principal of any high school may deny admission to any student of a district lying outside the high school district if there is no room to receive such student.

Tax on property in elementary school district.

Whenever the high school board of each of two or more high school districts shall, under the provisions of this section, petition the board of supervisors for the annexation of the same elementary school district, the board of supervisors shall refer the matter to the county superintendent of schools who shall make a recommendation thereon, after which the board of supervisors may in their discretion make an order annexing such elementary school district to one of the high school districts petitioning for its annexation after notice and hearing as hereinbefore provided.

Petition to annex from two high school boards.

Whenever an elementary school district is annexed to a high school district in accordance with the provisions of this section, the territory thus annexed to such high school district shall not be liable for any bonded indebtedness existing against the high school district, and all levies of taxes made for the payment of the same shall be upon the property of the territory of the original high school district.

Annexed territory not liable for indebtedness.

Whenever an elementary school district is annexed under the provisions of this section to any high school district having the same boundaries as a single elementary school district, except a city high school district, such high school district shall thereafter constitute a union high school district, and shall be governed by a high school board elected according to the provisions of sections one thousand seven hundred thirty and one thousand seven hundred thirty-one of the Political Code. From and after the organization of the first high school board in any union high school district formed as hereinbefore provided, all property belonging to the original high school district, shall be and become the property of the union high school district so formed.

Union high school district.

Whenever one or more elementary school districts are annexed under the provisions of this act to a city high school district, such annexation shall be for high school purposes only. Such territory shall be deemed a part of said city for the purpose of holding the general municipal election at which any member of the board of education is to be elected, and shall form one or more election precincts, as may

Annexation to city high school district.

Annexation
to city high
school
district.

be determined by the legislative authority of said city, the qualified electors of which shall vote only for the board of education, and such territory shall be deemed to be a part of said city or city high school district for all matters connected with the high school thereof, for the annual levying and collecting of the property tax for the high school fund of said city or city high school district and for all purposes specified in sections one thousand seven hundred forty-five to one thousand seven hundred forty-eight of this code, inclusive; *provided, however,* that the last assessment roll made by the county assessor shall be the only basis of taxation for such city high school district on the property outside the corporate limits of such city so annexed for high school purposes. If any elementary school district shall become entirely surrounded by territory included in a single high school district through the annexation of elementary school districts under the provisions of this section, the board of supervisors may make an order annexing such elementary school district to such high school district after notice and hearing as hereinbefore provided.

CHAPTER 250.

An act to amend sections twenty-seven and twenty-eight of an act entitled "An act to make uniform the law of warehouse receipts," approved March 19, 1909.

[Approved May 11, 1910. In effect July 22, 1910.]

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

Stats. 1909,
p. 441.

SECTION 1. Section twenty-seven of an act entitled "An act to make uniform the law of warehouse receipts," approved March 19, 1909, is hereby amended to read as follows:

Lien on
goods for
lawful
charges.

Sec. 27. Subject to the provisions of section thirty, a warehouseman shall have a lien on goods deposited by the owner or by the legal possessor of the property 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 for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Stats. 1909,
p. 442.

SEC. 2. Section twenty-eight of an act entitled "An act to make uniform the law of warehouse receipts," approved March 19, 1909, is hereby amended to read as follows:

Sec. 28. Subject to the provisions of section thirty, 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 asserted; and Enforcement of lien.

(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 was in legal possession of the goods when they were deposited.

CHAPTER 251.

An act to amend section one thousand six hundred seventeen and one-half of the Political Code, relating to the sale or leasing of school property unoccupied by any public school, by boards of education, or other governing boards of city school districts and city high school districts, having a total average daily attendance exceeding fifty-five thousand, and by boards of trustees of union high school or joint union high school districts.

[Approved May 8, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand six hundred seventeen and one-half of the Political Code is hereby amended so as to read as follows:

1617½. Boards of education, or other governing boards, in cities and having jurisdiction over both the elementary and high school districts embracing such cities, and boards of trustees of any school district and boards of trustees of union high school or joint union high school districts, are hereby authorized to sell or lease for a term not exceeding ninety-nine years, any real property belonging to their respective school districts, or high school districts upon which no public school is being maintained upon the following conditions: Sale or lease of school property.

Before ordering the sale or lease of any such property such board of education, or other governing boards, shall, in open meeting, by a two-thirds vote of all of its members, adopt a resolution declaring its intention to sell the same, or a resolution declaring its intention to lease the same, as the case may be, which said resolution shall describe the property proposed to be sold, or leased, in such manner as to identify it and shall specify the minimum price, or rental, and terms for which it will be sold, or leased, and fixing a time, not less than three weeks thereafter, and place for a public meeting of said board of education, or other governing board, at which sealed proposals to purchase or lease, as the case may be, will be received and considered. Said resolution shall, before the date of such meeting, be published once a week for three successive weeks in one or more newspapers of general circulation Conditions.

Conditions. published in the district. At the time and place fixed in said resolution for the meeting of said board of education or other governing board, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by said board, or other governing board, and the property be sold, or leased, as the case may be, to the highest responsible bidder among those who have submitted sealed proposals and who offer to comply with all terms and conditions specified in the resolution of intention to sell or lease; *provided, however*, that if any responsible person shall at said meeting offer to purchase such property, or to lease such property as the case may be, for a price or rental exceeding the highest other proposal or offer before the board by not less than five per cent, the property shall be sold, or shall be leased as the case may be, to such person; *and provided, further*, that said board or other governing board may, should it deem such action for the best public interest, at any time, reject any and all bids, and withdraw such property from sale. Any order of sale or lease made hereunder by said board, or other governing board, shall authorize and direct the execution and delivery by the chairman, or other presiding officer, or said board, or other governing board, of the deed or lease of said district to the purchaser or lessee. This section shall not be taken to authorize action upon proposals for sale and proposals for lease at the same meeting.

Effect
of act.

The provisions of this section shall be deemed to supersede any other provision of law relating to powers and duties of boards of trustees, and boards of education, only in so far as its terms are in conflict therewith, and shall not be deemed as repealing any such other provision of law not conflicting with the terms of this section.

CHAPTER 252.

An act to amend section one thousand eight hundred eighty-four of the Political Code, relating to the issuance of school bonds.

[Approved May 8, 1919. In effect July 22, 1919.]

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

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

Time of
issuing
bonds
approved at
election.

1884. On the seventh day after said election, at one o'clock p.m., the returns having been made to the board of trustees, board of education, or other governing body of such school district, the board must meet and canvass said returns, and if it appears that two-thirds of the votes cast at said election was 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 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 such district, to the number and amount provided in such proceedings, payable out of the interest and sinking 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 book of the county.

Limitation
of issue.

CHAPTER 253.

An act to amend section one thousand eight hundred eighty-seven of the Political Code, relating to the redemption of school bonds.

[Approved May 8, 1919. In effect July 22, 1919.]

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

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

1887. 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, 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, 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 interest and sinking fund of such 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 auditor, out of the fund provided therefor; and it shall be the duty of the auditor to cancel such bonds and coupons and retain them when he draws his warrants on the treasurer in favor of the owners thereof.

Tax for
interest and
redemption
of bonds.

CHAPTER 254.

An act to amend section one thousand five hundred thirty-three of the Political Code, relating to expenses of county superintendents of schools.

[Approved May 8, 1919. In effect July 22, 1919.]

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

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

School su-
per-
intendents'
convention.

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.

Expenses.

The actual expenses of the county superintendents attending the convention shall be allowed by the board of supervisors and paid out of the general fund; 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.

CHAPTER 255.

An act to amend section four thousand ninety-seven of the Political Code, relating to the counting of money in the county treasury.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

Monthly
count of
money in
county
treasury.

4097. The chairman of the board of supervisors, district attorney and auditor must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

1. The amount of money and the amount of receipts for bank deposits that ought to be in the treasury as shown by the books of the auditor and treasurer.

2. The amount and kind of money and the amount of bank receipts for deposits which are actually in the treasury.

CHAPTER 256.

An act to amend section twenty-two 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.

[Approved May 8, 1919. In effect July 22, 1919.]

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

SECTION 1. Section twenty-two of an act entitled "An act Stats. 1903, p. 121. 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 amended to read as follows:

Sec. 22. The sanitary board shall have power at any time after main sewers, or other sewers are laid, to order and contract for the construction of a sewer in any street or part of a street of the district where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer as ordered; *provided, however,* that where only a portion of the property fronting along the line of sewer is affected or benefited by the construction of such sewer, then the sanitary board shall have power to provide by an order that the cost of construction of such main sewer shall be borne only by the property to be affected or benefited. Before ordering any work done, or improvement made, which is authorized by this section, the sanitary board shall pass a resolution of intention so to do and describing the work. The secretary of the board shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notices shall, in legible characters, state the fact of the passage of the resolution, its date and briefly the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published Sewers may be built at cost of owners of frontage.

for a period of five consecutive days in a daily newspaper published and circulated in said district, and designated by said sanitary board, or by one insertion in a weekly newspaper so published, circulated and designated. If there be no newspaper published and circulated in said district, then and in that case said secretary shall post said notices in three public places in said district, in addition to said posting along the line of said work or improvement. Any owner of property fronting upon said proposed work or improvement may make a written objection to the same within fifteen days from and after the first publication of said notice, or from and after the day of the posting of said notice if the same can not be published as herein provided, which objection shall be delivered to the secretary of the sanitary board, who shall indorse thereon the date of its reception by him. The sanitary board shall, at its next meeting after the time for presentation of objections has expired, fix a time for hearing said objections, not less than one week thereafter. The secretary of the sanitary board shall thereupon notify the person or persons making such objection, by depositing a notice thereof in the United States post office in said district, or if there be none in said district, then in the one nearest thereto, postage prepaid, addressed to each objector, or his agent, when such objector appears by agent. At the time specified said sanitary board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. Upon such decision or at the expiration of the said fifteen days, if no written objection to the work therein described has been made as aforesaid by any owner of the property fronting or said work or improvement, the sanitary board shall be deemed to have acquired jurisdiction to order any work to be done, or improvement to be made, authorized by said resolution and this section. After said sanitary board has acquired jurisdiction to do such work and make such improvement, it may order the work done and improvement made, and provide in such order a time for receiving bids, and likewise authorize the president and secretary of the sanitary board to enter into a contract for the performance of said work and making of said improvement. Such order shall be published for a period of five consecutive days in a daily newspaper published and circulated in said district, and designated by said sanitary board, or by one insertion in a weekly newspaper so published, circulated and designated, and in case there be no such newspaper published and circulated in said district, then and in that event such order shall be posted in at least three public places in said district; and at the opening of said bids the board must award the contract to the lowest responsible bidder, or may reject any and all bids and readvertise for bids and upon the opening of such bids award the contract to the lowest responsible bidder, unless the board is satisfied there is collusion between bidders when it may again reject the bids and again advertise for bids until they are satisfied the bids are fair and not made under collusion or fraud when it must award

Owners may
object.

Bids.

Award of
contract.

the contract. And in case such order is made and such contract is let, then the cost of such work and improvement done under such contract shall become a lien upon and shall be assessed against such blocks, lots and lands fronting upon said work and improvement as would be assessable for said work and improvement under the provisions of that certain act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred eighty-five, and acts amendatory and supplemental thereto, and the manner, method and mode of such assessment and collection of such assessment and foreclosure of such lien shall be made in accordance with the provisions of section six and subsequent of said act and acts supplemental and amendatory to such provisions; *provided, however,* that the words "city council" used in said act shall be understood to mean "sanitary board"; the words "superintendent of streets" and "city engineer" shall be understood to mean "the engineer of such sanitary district"; the words "city" and "municipality" shall be understood to mean "sanitary district"; the words "clerk" and "city clerk" shall be understood to mean "secretary of said sanitary board"; the term "treasurer" or "city treasurer" shall be understood to mean any person or officer who shall have charge of and make payment of the funds of such sanitary district; *and further provided,* that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplemental thereof upon city councils, superintendent of streets, clerks and city clerks, and treasurers and engineers and city engineers are hereby conferred and imposed upon the respective officers and board above specified.

Cost of
improvements
a lien upon
property.

Definitions.

CHAPTER 257.

An act to add two new sections to the Political Code to be numbered four thousand fifty-four a, and four thousand eighty-seven a, relating to bonds.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

4054a. Whenever the principal on any bonds which have been legally issued by any of the several counties, or by any district within a county organized under the laws of the State of California which is not a separate corporate entity, or any interest on said bonds, shall become due and there shall not be sufficient money in the fund established for the

Transfer of
money from
general fund
to interest
and sinking
fund.

Transfer of money from general fund to interest and sinking fund.

payment of said principal or interest to pay the same, the board of supervisors of the county, pending the collection of taxes levied therefor, or pending the collection of any ad valorem assessment therefor which the law provides shall be levied and collected in the same manner as taxes, may order the amount of money necessary to pay the principal or interest, or both, so falling due to be transferred from the general fund of the county to the interest and sinking fund provided for the payment of said principal and interest. The amount of money so transferred shall be deemed a loan to such interest and sinking fund and the county auditor shall retransfer the same to the general fund from the very first money coming into such interest and sinking fund thereafter; *provided*, that in no instance may the board of supervisors advance to any interest and sinking fund an amount greater than the amount of uncollected taxes or ad valorem assessment which have been levied for the payment of the principal and interest on said bonds.

SEC. 2. A new section is hereby added to the Political Code to be numbered four thousand eighty-seven a, and to read as follows:

Premiums and accrued interest deposited in interest and sinking fund.

4087a. Whenever any bonds issued by any county or by any district, school, drainage, or any other kind, in any county whose accounts are required by law to be kept by the county auditor and treasurer are sold at a premium or with accrued interest, or both premium and accrued interest, the amounts received for such premiums and accrued interest shall be deposited in the interest and sinking fund of such county or district unless it is subsequently expressly provided by law that they shall be deposited in some other fund. This section does not apply to the sale of bonds by counties which have been purchased as investments.

Exception.

CHAPTER 258.

An act to amend sections one, two, and four of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 24, 1903, as amended, and to add five new sections thereto to be numbered three a, three b, three c, three d, and eleven a, respectively.

[Approved May 10, 1919. In effect July 22, 1919.]

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

Stats. 1911, p. 950.

SECTION 1. Section one of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 24, 1903, as amended, is hereby amended to read as follows:

Section 1. Each parent, guardian or other person having control or charge of any child between the ages of eight and sixteen years, not exempted under the provisions of this act shall be required to send such child to a public full-time day school for the full time for which the public schools of the city, city and county or school district in which the child resides shall be in session; *provided*, that the following classes of children shall be exempted from the requirements of attendance upon a public day school:

Compulsory school attendance.

Exemptions.

1. Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study; *provided*, that a certificate to this effect by a regularly licensed physician, shall be filed with the clerk of the board of trustees or board of education of the school district.

Physical or mental disability.

2. Children residing more than two miles from the school house by the nearest traveled road; *provided*, that such children shall be exempted only upon the written approval of the superintendent of schools of the county, notice whereof shall be filed with the clerk of the board of trustees or board of education of the school district.

Distance from school house.

3. Children who are being instructed in a private full-time day school by persons capable of teaching; *provided*, that such school shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of this state; *and provided, further*, that the attendance of such pupils shall be kept by private school authorities in a register, such record of attendance to indicate clearly every absence of the pupil from school for a half day or more, during each day that school is maintained during the year.

Instruction in private schools.

4. Children who are being instructed, in study and recitation, for at least three hours a day for one hundred sixty days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this state, and in the English language; *provided*, that such tutor or other person shall be capable of teaching; *and provided, further*, that such instruction shall be offered between the hours of eight o'clock a.m. and four o'clock p.m.

Instruction by private tutor.

5. Children who hold a permit to work or an age and schooling certificate granted by the proper judicial or educational officers in accordance with law.

Age and schooling certificate.

Sec. 2. Section three of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

Stats. 1907, p. 95.

Sec. 3. The board of education of any city or city and county, or the board of trustees of any school district, shall, on the complaint of any person, make full and impartial investigation of all charges against any parent or guardian or other person having control or charge of any such child, for violation of any of the provision of this act. If it shall appear upon such investigation that any such parent or guardian or other person has violated any of the provisions of section one

Investigation of charges against parents.

Criminal
complaint

of this act, it is hereby made the duty of the secretary of such board of education, except as hereinafter provided, or the clerk of such board of trustees, to make and file in the proper court a criminal complaint against such parent, guardian or other person, charging such violation, and to see that such charge is prosecuted by the proper authorities; *provided*, that in cities, and in cities and counties, and in school districts having an attendance officer or officers, such officer or officers shall have power and it shall be their duty to make and file such complaint, and see that such charge is prosecuted by the proper authorities.

Stats. 1907,
p. 98.

SEC. 3. Section four of said act, approved March 24, 1903, as amended, is hereby amended to read as follows:

Attendance
officers.

SEC. 4. The board of education of any city, or city and county shall appoint and remove at pleasure, an attendance officer and such assistant attendance officers as may be necessary for such city or city and county and the board of school trustees of any school district having an average daily attendance of at least three hundred children, according to the official school record of the preceding school year, may appoint and remove at pleasure one attendance officer, and assistant attendance officers, and shall fix his or their compensation payable from the county or special school fund of such city, or city and county, or school district, and shall prescribe their duties not inconsistent with law, and make rules and regulations for the performance thereof; *provided*, that in all school districts with a daily average attendance of one thousand or more school children according to the annual school report of the last preceding school year, such attendance officer, assistant attendance officers, or deputy attendance officers, shall have been duly certificated by the county board of education for such work, such certification to be in accordance with and subject to general regulations established by the state board of education. The authority appointing such attendance officer and assistant attendance officers in such city, city and county, or school district may also appoint and remove at pleasure one or more deputy attendance officers, to serve without compensation. The board of supervisors of any county, unless provision be made otherwise by statute for paid attendance officers, upon the petition of a majority of the boards of trustees of the school districts of the county which are not provided with paid school attendance officer, shall, upon the nomination of the county superintendent of schools, appoint and remove at pleasure an attendance officer and assistant attendance officers, and shall fix his or their compensation payable from the general fund of the county, and shall, upon the recommendation of the county superintendent of schools, prescribe their duties not inconsistent with law, and make rules and regulations for the performance thereof. Such officers shall serve in such portions of the county as are not otherwise provided with paid attendance officers. The board of

Compensation.

Certification
of attendance
officers.County
attendance
officers.

supervisors, upon the recommendation of the county superintendent of schools, may, in its discretion, appoint and remove at pleasure one or more persons to act as deputy attendance officer or officers, to serve without compensation. The actual, necessary, incidental traveling expenses of such attendance officer, and assistant attendance officers, and deputy attendance officers of such county, incurred in the performance of their duties under the direction of the county superintendent of schools, when sworn to and when approved by such superintendent, shall be ordered paid by such board of supervisors, out of the general fund of the county.

SEC. 4. A new section is hereby added to said act, approved March 24, 1903, to be numbered three *a*, and to read as follows:

Sec. 3a. *First*—The superintendent of schools of any city, or of any city and county or of any county (over such portions of any such county as are not within the jurisdiction of any superintendent of city schools) shall have authority to issue to any employer a permit to employ any minor of the age of fourteen years who holds a diploma of graduation from the prescribed elementary school course; *provided*, that such permit shall be issued only when the prospective employer, or the parent or guardian of the minor, shall present to the superintendent asked to issue such permit, (1) a physician's certificate or other evidence acceptable to such authority, that such minor is physically fitted for the labor contemplated; and (2) a sworn statement by the parent, foster-parent or guardian of such minor that such minor is past the age of fourteen years, and that the parent or parents, or foster-parent or foster-parents, or guardian of such minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of such minor, the family is in need of the earnings of such minor, and that sufficient aid can not be secured in any other manner. The person authorized to issue such permit in granting the same shall make a signed statement that he, or a competent person designated by him for this purpose, has carefully investigated the conditions under which the application for such permit has been asked, and has found that in his judgment the earnings of such minor are necessary for such family to support such minor, and that in his judgment sufficient aid can not be secured in any other manner.

Permit to
employ
minor over
fourteen.

Second—No permit as specified in this section shall be issued except upon a written statement from a prospective employer that work is waiting for such minor and describing the nature of such work. Such permit shall specify the name and address of the employer, the name, address and age of the minor, the kind of work for which the permit is issued and the date on which the permit shall expire, which in no case shall be longer than six months from the date of issuance of the permit. Such permit shall be kept on file by the employer during the term of such employment and all unexpired per-

mits shall be returned by the employer to the authority issuing the same within five days after the termination of such employment. Such permit shall be issued on forms prepared and provided in accordance with the provisions of this act by the superintendent of public instruction. Such permit shall be subject to cancellation at any time by the superintendent of public instruction, or by the commissioner of the bureau of labor statistics or by the person issuing the same, whenever any such officer or person shall find that the conditions for the legal issuance of such permit do not exist. Such permit shall be always open to inspection by attendance and probation officers, by the officers of the state bureau of labor statistics and by officers of the superintendent of public instruction, and of the state board of education.

Duplicate
copy of
permitt.

Third—A duplicate copy of each permit to employ a minor granted under provisions of this act shall be kept by the person issuing such permit, and a report of all such permits issued during the year shall be included in the annual report of the city superintendent of schools to the county superintendent of schools. The superintendent of schools of each county and of each city and county shall include in his annual report to the superintendent of public instruction, a summary of all such reports, which shall include a summary of all such permits to employ minors issued by him during the year.

SEC. 5. A new section is hereby added to said act, approved March 24, 1903, to be numbered three b, and to read as follows:

Vacation
permits for
minors
between
twelve and
fifteen.

Sec. 3b. Any minor over the age of twelve years and under the age of fifteen years who holds a vacation permit issued as hereinafter provided may be employed in any of the establishments or occupations mentioned in section one of "An act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, as amended, and in section one of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," on the regular weekly school holidays and during the regular vacation of the public schools of the school district, city, or city and county, in which the place of employment is situated. Vacation permits shall be signed by the principal of the school, or secretary of the board of school trustees or board of education having control of the school which such minor is attending, or has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the minor to

whom it is issued, and when issued for the regular vacation, the date of the termination of the vacation for which it is issued, and in any case shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the minor to whom it was issued.

Sec. 6. A new section is hereby added to said act, approved March 24, 1903, to be numbered three c, and to read as follows:

Sec. 3c. *First*—No minor of the age of fifteen years shall be employed, permitted or suffered to work during the hours the public schools are in session, unless such minor is provided with an age and schooling certificate as herein provided.

Second—An age and schooling certificate shall be approved only by the superintendent of schools of the county, city or city and county, or by a person authorized by him in writing and each application for an age and schooling certificate must be acted upon within three days after such application has been duly filed with the person legally authorized to issue such age and schooling certificate; *provided*, that any person authorized in writing to issue age and school certificates as herein provided shall on or before the thirtieth day of June of each year, file with the superintendent so authorizing him, all duplicate copies of such certificates issued by him during the school year. The person authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for administering such oaths or issuing such certificates. The person authorized to issue age and schooling certificates shall not issue such certificates until the minor in question, accompanied by its parent or guardian, has personally made application to him therefor, and until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such minor, giving age, grade and attendance for the current term, duly signed by the principal or teacher. (2) Evidence of age such as the school enrollment record, or a certificate of birth, or a certificate of baptism duly attested, or a passport, or affidavit of the parent, guardian or custodian of such minor, such as shall convince such officer that the minor is fifteen years of age or upwards. (3) The written statement of the person, firm or corporation in whose service the minor is about to enter, that he intends to employ the minor, which statement shall give the nature of the occupation for which the child is to be employed. (4) A certificate signed by a physician appointed by the school board, or other public medical officer, stating that such minor has been examined by him, and, in his opinion, has reached the normal development of a minor of its age and is in sufficiently sound health and physically able to be employed in the work which it intends to do; *provided, however*, that no fee shall be charged the minor for such physician's certificate.

Age and
schooling
certificate
for minors
over fifteen.

Third—Age and schooling certificates shall be issued on forms which shall be prepared and provided by the superintendent of public instruction, and shall be substantially in the following form, to wit:

Form.

Age and schooling certificate. This certifies that I am the (father, mother or guardian) of (name of the minor) and that (he or she) was born at (name of the city or town), in the county of (name of county, if known), and state or country of (name of state or country), on the (day and year of birth), and is now (number of years and 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) has completed the prescribed grammar school course or that (he or she) has completed the equivalent of the seventh grade of the grammar school course and is a regular attendant for the then current term, upon a regularly conducted evening school or upon a part-time continuation school or class.

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 presented to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same.

The certificate as to the birthplace and age of the minor under sixteen and over fifteen years of age shall be signed by his father, his mother, or his guardian, or other person having control or charge of such minor.

Penalty for false statements.

Fourth—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 subject to a fine of not less than five nor more than fifty dollars, or imprisonment for not more than thirty days, or by both such fine and imprisonment.

Duplicates.

Fifth—A duplicate copy of each age and schooling certificate issued under the provisions of this act shall be kept by the county, city, or city and county superintendent issuing or authorizing the issuance of such certificates, and a report of all such certificates issued during the year shall be included in the annual report of each city superintendent of schools to the county superintendent of schools. The superintendent of schools of each county and of each city and county, shall include in his annual report to the superintendent of public instruction, a summary of all such reports and a statement of

Report.

the number of all such age and schooling certificates issued by him during the year.

Sixth—No minor having an age and schooling certificate, as hereinbefore described, and no other minor under sixteen years of age, who would by law be required to attend school, shall be and remain idle and unemployed for a period longer than two weeks while the public schools are in session, but must enroll and attend school; *provided*, that within five days after any minor having such age and schooling certificate shall have ceased to be employed by any employer, such employer shall, in writing, notify the issuing officer that such minor is no longer employed by such employer, giving the latest correct address of such minor known to such employer; and such issuing officer shall thereupon immediately notify the attendance officer having jurisdiction in the place of such minor's residence, giving the said latest known correct address of such minor and stating that such minor is not at work.

Notice when
employment
ceases.

Seventh—No minor of the age of fifteen years shall be permitted to cease school attendance, without securing an age and schooling certificate as provided in this act.

Eighth—Nothing in this act shall be construed to repeal or in any way modify the provisions of sections fourteen and sixteen of "An act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, as amended, or the provisions of sections three and one-half and five of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith."

Child labor
laws not
affected.

Sec. 7. A new section is hereby added to said act, approved March 24, 1903, to be numbered three *d*, and to read as follows:

Sec. 3*d*. *First*—Every person, firm, corporation or agent, or officer of a firm or corporation, employing minors under the age of sixteen years shall keep a register containing the names and addresses of such minor employees and shall post and keep posted in a conspicuous place, in every room where such minors are employed, a written or printed notice stating the working hours per day for each day of the week required of such minors, and shall keep on file all permits and certificates required by this act for minors under the age of sixteen years. Such records and files shall be open at all times to the inspection of the school attendance and probation officers and the officers of the state bureau of labor statistics, of the superintendent of public instruction and of the state board of education.

Register of
employees
under
sixteen.

Cancellation
of permits
and
certificates.

Except as otherwise provided in this act, all certificates and permits shall be given up to such minor upon his quitting such employment. Any age or schooling certificate or permit granted under this act, shall be subject to cancellation at any time by the commissioner of the bureau of labor statistics, or by the superintendent of public instruction, or by the authority issuing such certificate, whenever such commissioner, superintendent, or the authority issuing such certificate shall find that conditions for the legal issuance of such certificate no longer exist or have never existed.

Penalty for
violation.

Second—Any person, firm, corporation, agent or officer of a firm or corporation that violates or omits to comply with any of the provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment in the county jail 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 vacation permit to work or other permit issued under the provisions of this act or to post any notice required by this act shall be prima facie evidence of the illegal employment of any minor for whom an age and schooling certificate or permit is not produced.

SEC. 8. A new section to be numbered section eleven *a* is hereby added to said act approved March 24, 1903, said section to read as follows:

Authority
to enter
place of
employment.

SEC. 11a. The attendance officer of any county, city and county, or school district in which any place of employment, in this act named, is situated, or the probation officer of such county, shall have the right and authority, at all times, to enter into any such place of employment for the purpose of investigating violations of the provisions of this act; *provided, however,* that if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he has a good cause to believe that the provisions of this act are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations.

CHAPTER 259.

An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith.

[Approved May 10, 1919. In effect July 22, 1919.]

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

SECTION 1. No minor under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, manufacturing establishment, mechanical establishment, workshop, office, laundry, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, or in any other place of labor at any time except as may be provided by the provisions of this act or by the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for violation of the act," as now in force or as may be hereafter amended, or by the provisions of an act entitled "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under eighteen years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under twenty-one years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act."

Child labor regulated.

Work shall be deemed to be done for a manufacturing establishment within the meaning of this act, whenever it is done at any place upon the work of a manufacturing establishment, or upon any of the materials entering into the products of a manufacturing establishment, whether under contract or arrangement with any person in charge of or connected with a manufacturing establishment directly or indirectly through the instrumentality of one or more contractors or other third persons.

Work defined.

SEC. 2. Except as otherwise provided in sections three, three and one-half and five hereof no minor under the age of eighteen years shall be employed more than eight hours in one day of twenty-four hours or more than forty-eight hours in one week, or before the hour of five o'clock in the morning, or after the hour of ten o'clock in the evening.

Eight-hour limit.

Night work.

SEC. 3. No girl under the age of eighteen years and no boy under the age of sixteen years shall be employed, permitted or suffered to work as a messenger for any telegraph,

Messenger service.

telephone or messenger company, or for the United States government or any of its departments while operating a telegraph, telephone or messenger service, in the distribution, transmission or delivery of goods or messages in towns of more than fifteen thousand inhabitants, nor shall any boy under the age of eighteen years be employed, permitted or suffered to engage in any of the work last mentioned before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening.

Street
trades.

SEC. 3½. No boy under ten years of age, nor girl under eighteen years of age, shall be employed, permitted or suffered to work at any time in or in connection with the street occupation of peddling, bootblacking, the sale or distribution of newspapers, magazines, periodicals or circulars nor in any other occupation pursued in any street or public place; *provided, however*, that nothing in this section shall be construed to apply to cities whose population is less than twenty-three thousand according to the last federal census.

Exception.

Prohibited
occupations.

SEC. 4. No minor under the age of sixteen years shall be employed, permitted or suffered to work in any capacity at any of the following occupations or in any of the following positions, to wit: (1) Adjusting any belt to any machinery, or sewing or lacing machine belts in any workshop or factory, or oiling, wiping or cleaning machinery, or assisting therein, or operating or assisting in operating any of the following machines: (a) Circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sandpaper or wood-polishing machinery; (f) wood-turning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) printing presses of all kinds; (l) boring or drill presses; (m) stamping machines used in sheet-metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper-cutting machines; (o) corner-staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calender rolls in paper and rubber manufacturing; (x) laundering machinery; or in proximity to any hazardous or unguarded belts, machinery or gearing; or (2) upon any railroad, whether steam, electric or hydraulic; or (3) upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state; or (4) in, about, or in connection with any processes in which dangerous or poisonous acids are used; or (5) in the manufacture or packing of paints, colors, white or red lead; or (6) in soldering; or (7) in occupations causing dust in injurious quantities; or (8) in the manufacture or use of dangerous or poisonous dyes; or (9) in the manufacture or preparation of

compositions with dangerous or poisonous gases; or (10) in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; or (11) on scaffolding; or (12) in heavy work in the building trades; or (13) in any tunnel or excavation; or (14) in, about or in connection with any mine, coal breaker, coke oven, or quarry; or (15) in assorting, manufacturing or packing tobacco; or (16) in operating any automobile, motor car or truck; or (17) in a bowling alley; or (18) in a pool or billiard room; or (19) in any other occupation dangerous to the life or limb, or injurious to the health or morals of such child; *provided, however*, that the provisions of this section shall not apply to the courses of training in vocational or manual training schools or in state institutions.

The bureau of labor statistics may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the superior court from any such determination.

Bureau of labor statistics to determine whether business is prohibited.

SEC. 5. Nothing in this act shall be construed to prohibit the employment of minors sixteen years of age or over at agricultural, horticultural, or viticultural, or domestic labor for more than eight hours in one day or more than forty-eight hours in one week. Nor shall anything in this act be construed to prohibit the employment of minors at agricultural, horticultural, or viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours. For the purpose of this act, horticultural shall be understood to include the curing and drying, but not the canning, of all varieties of fruit. Nor shall anything in this act be construed to prohibit any minor between the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California, now or hereafter in force, permitted to be employed as an actor, or actress, or performer in a theater, or other place of amusement, previous to the hour of ten o'clock p.m., in the presentation of a performance, play or drama, continuing from an earlier hour till after the hour of ten o'clock p.m., from performing his or her part in such presentation as such employee between the hours of ten and twelve o'clock p.m.; *provided*, the written consent of the commissioner of the bureau of labor statistics is first obtained. Nor shall anything in this act prevent, or be construed to prohibit, the employment of any minor, whether resident or nonresident, in the presentation of a drama, play, performance, concert or entertainment, with the written consent

Agricultural, etc., labor.

Theatrical employment.

Theatrical
employment.

of the commissioner of the bureau of labor statistics, but no such consent shall be given unless the officer giving it is satisfied that the environment in which the drama, play, performance, concert or entertainment is to be produced is a proper environment for the minor, and that the conditions of such employment are not detrimental to the health of such minor, and that the minor's education will not be neglected or hampered by its participation in such drama, play, performance, concert or entertainment, and the commissioner may require the person charged with the issuance of age and schooling certificates to make the necessary investigation into such conditions; and every such written consent shall specify the name and age of the minor together with such other facts as may be necessary for the proper identification of such minor, and the date when, and the theaters or other places of amusement in which such drama, play, performance, concert or entertainment is to be produced, and shall specify the drama, play, performance, concert or entertainment in which the minor is permitted to participate, and every such consent shall be revocable at the will of the officer giving it. Dramas and plays shall include the production of motion picture plays.

Employer
to keep
register.

SEC. 6. Every person, firm, corporation or agent, or officer of a firm or corporation, employing either directly, or indirectly through the instrumentality of one or more contractors or other third persons, minors under the age of eighteen years, shall keep a separate register containing the names, ages and addresses of such minor employees and shall post and keep posted in a conspicuous place in every room where such minors are employed, a written or printed notice stating the hours per day for each day of the week required of such minors, and shall keep on file all permits and certificates either to work or to employ, issued under the provisions of this act, or under the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, as amended. Such records and files shall be open at all times to the inspection of the school attendance and probation officers, the state board of education and the officers of the state bureau of labor statistics.

All such certificates and permits to work or to employ shall be returned to the authority issuing the same within five days after the minor quits his employment. Such certificate or permit shall be subject to cancellation at any time by such commissioner of the bureau of labor statistics, or by the authority issuing the same, whenever such commissioner or such issuing authority shall find that the conditions for the legal issuance of such certificate or permit no longer exist or have never existed.

Report by
authority
issuing
permits.

At least once in every six months, to wit, on or before January tenth and on or before July tenth of each year, the authority issuing all such permits and certificates either to work or to employ, shall file a full written report of the same,

stating the names, ages and addresses of the minors under sixteen years of age affected thereby, with the state bureau of labor statistics and the state board of education.

SEC. 7. Any person, firm, corporation, agent, or officer of a firm or corporation, employing either directly or indirectly through the instrumentality of one or more contractors or other third persons, or any parent or guardian of a minor affected by this act, who violates or omits to comply with any of the provisions hereof, or who employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment for each and every offense. Penalty.

A failure to produce any permit or certificate either to work or to employ or to post any notice required by this act shall be prima facie evidence of the illegal employment of any minor whose permit or certificate is not so produced or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city, or city and county, in which the offense occurred, except such fines as are imposed and collected as the result of prosecutions by the officers of the bureau of labor statistics, in which cases one-half of the resultant fine or fines shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics and one-half paid into the school funds of the county, or city, or city and county, in which the offense occurred. All reported violations of the provisions of this act, whether prosecuted or not, must be reported in writing immediately after their occurrence by the state bureau of labor statistics to the state board of education. Such report shall state the name and address of the person or corporation charged with such violation, the nature of such charge and the name, age and address of the minor or minors affected thereby, and shall be followed, at least once in every six months, to wit, on or before January tenth, and on or before July tenth of each year, by a written summary of all violations of the provisions of this act which have occurred during the preceding period of six months. Fines to be paid into school funds.

SEC. 8. The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all the powers and authority of sheriffs or other peace officers, to make arrests for violation of the provisions of this act, and to serve any process or notice throughout the state. Report of violation of act.

The attendance officer of any county, city and county, or school district in which any place of employment, in this act named, is situated, or the probation officer of such county, shall have the right and authority, at all times, to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the Duty of labor commissioner.

Duty of attendance officers.

provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903. and any act amending or superseding the same; *provided, however*, that if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he has a good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations.

Repealed.

SEC. 9. All acts and parts of acts inconsistent herewith are hereby expressly repealed.

Constitutionality.

SEC. 10. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 260.

An act to amend section six hundred thirty-six of the Penal Code, relating to the protection of fish and game.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

Protection of fish.

636. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as hereinafter provided, is guilty of a misdemeanor.

Gill nets.

It shall be lawful to use drift gill nets in fish and game districts five, six, seven, seven *a*, eight, nine, ten, eleven, twelve, twelve *a*, twelve *b*, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-two, and to use set gill nets in fish and game districts seventeen, eighteen, nineteen and twenty *a*; *provided*, that in fish and game districts eleven, twelve, twelve *a*, twelve *b*, and thirteen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that the lines attaching the buoys or floats to the cork line of such submerged nets be not

more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; *and provided, further*, that in fish and game districts eleven, twelve, twelve *a*, twelve *b* and thirteen the meshes of the gill nets shall be approximately the same size and shall not vary in length more than one inch; *and provided, further*, that gill nets are not to be used in fish and game districts twelve *a* or twelve *b* between September twenty-fifth and November fourteenth of any year, both dates inclusive, or between June first and July thirty-first of any year, both dates inclusive; and any gill net found in any fishing boat in fish and game district twelve *a* or twelve *b* during said closed season shall be prima facie evidence that the owner of such net was using same in said fish and game districts; *and provided, further*, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the thirty-first day of July of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any lines used on gill nets which shall tend to cause the webbing of such gill nets to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net.

Gill nets.

It shall be lawful to use trammel nets (also known as two mesh and three mesh nets) in fish and game district twelve *b*, the minimum meshes of which shall measure not less than five and one-half inches in length.

Trammel nets.

It shall be lawful to use strings or lines on the nets for the purpose of bagging the web in fish and game district twelve *b* when the net is a net having no meshes less than seven and one-half inches and when used in said district from June sixth to July thirty-first, both dates inclusive, for the purpose of taking or catching salmon only.

It shall be lawful to use trammel nets (also known as two mesh and three mesh nets) in fish and game districts ten, eighteen and nineteen. the minimum meshes of which shall measure not less than eight inches in length.

It shall be lawful to use purse nets and round haul nets (also known as circle seines or lampara nets) in fish and game districts five, six, nine, ten, eleven, twelve, twelve *b*, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty *a*, twenty-one and twenty-two; *provided*, that purse or round haul nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass or shad, and that any person who has in possession any salmon, steelhead, striped bass or shad which have been caught with a purse or round haul net is guilty of a misdemeanor; *and provided, further*, that in fish and game district fifteen, purse or round haul nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen, purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies, and sardines. It shall be

Purse nets and round haul nets.

lawful to use circle seines or round haul nets of not less than one-inch mesh in fish and game district seven *a* from April first to July thirty-first, both dates inclusive, for taking smelt, herring, perch, sardines or other nongame fish.

Beach nets.

It shall be lawful to use beach nets (also known as beach seines or haul seines) in fish and game districts five, nine, ten, eleven, twelve, twelve *a*, twelve *b*, thirteen, eighteen, nineteen and twenty-two; *provided*, that in fish and game districts five, twelve, twelve *a* and twelve *b* the meshes of any beach nets shall measure not less than five and one-half inches in length, and that in fish and game districts ten, eighteen and nineteen the meshes of the beach nets shall measure not less than one and one-half inches in length; and beach nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, shall be known as a beach net.

Fyke nets.

It shall be lawful to use fyke nets in fish and game district twelve *b* for the purpose of catching catfish, carp, pike, hard-heads and suckers between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive; *provided*, that the smallest meshes of any fyke net so used shall measure not less than two and one-half inches in length.

Trawl nets.

It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls or shrimp trawls) in fish and game districts five, six, seven, twelve, thirteen and eighteen; *provided*, that the use of any trawl net in fish and game districts twelve and thirteen shall be for the purpose of taking shrimp only; *and provided, further*, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen.

Crab nets.

It shall be lawful to use crab nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen.

Shrimp nets.

It shall be lawful to use shrimp nets (also known as Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp only; *provided*, that any fish, mollusks or crustaceans other than marketable shrimp that may be taken in such shrimp nets shall be immediately returned to the water.

Dip nets.

It shall be lawful to use dip nets for the purpose of taking fish to be used as bait only, in any fish and game district, excepting fish and game district fourteen; *provided*, that in fish and game districts one, two, three and four such dip net shall not be baited; *and provided, further*, that any dip net in fish and game districts one, two, three, four, nineteen and twenty shall not measure more than six feet in its greatest

breadth; and *provided, further*, that it shall be unlawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty.

It shall be lawful to use troll lines or hand lines in any fish and game district, except fish and game district fourteen and to use trawl lines in fish and game districts five, six, seven, ten, seventeen, eighteen and nineteen. It shall also be lawful to use trawl lines (also known as set lines) in any lake in fish and game district two having a surface area of not less than seventy-five square miles, for the purpose of catching catfish only; *provided*, that it shall be unlawful to use minnows or any species of young fish on hooks attached to such trawl lines.

Troll lines or hand lines.

It shall be lawful to use any spade, shovel, hoe, rake or other appliance operated by hand for the purpose of taking mollusks in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one.

Spade, shovel, etc.

Any net or line shall be considered a set net or set line that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or current, and any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore, upon the receding of the tide, shall be considered a set net; *provided*, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

Set nets and lines.

Nothing in this section shall prevent the fish and game commission, or persons authorized by them, from using any net or other appliance in any fish and game district for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Recovery of fish in overflowed areas.

Nothing in this section shall prohibit the fish and game commission, or anyone authorized by them, from using such nets, traps, or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks, or crustaceans. Nothing in this section shall prohibit the fish and game commission, or any person authorized by them, from using nets, traps, or other appliances in any fish and game district for experimental purposes.

Scientific purposes.

Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be

Penalty.

had. not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 261.

An act to amend section six hundred twenty-eight of the Penal Code, relating to the protection of fish and game.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

Protection
of shrimp.

628. Every person who, at any time offers for shipment or ships, or who receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country, or who has in his possession, for any purpose any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this state, shall be guilty of a misdemeanor; *and be it provided*, that the possession of such dried shrimp or shrimp shells for any purpose shall be prima facie evidence that such dried shells are of shrimp which were caught or taken in the waters of this state. Every person who, between the first day of March and the fourteenth day of October inclusive of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any spiny lobster (*Panulirus interruptus*), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), of less than ten and one-half inches or more than sixteen inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers, shall be guilty of a misdemeanor. Every person who, at any time, takes, catches, kills, has in his possession, buys, sells, or offers for sale any crab (*Cancer magister*), of less than seven inches in breadth measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November, inclusive, of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor; *provided*, that crabs from without the state may be imported into the state for sale at any time; *provided*, such crabs are duly inspected and tagged according to the rules and regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be borne by the person or persons importing such crabs. Any person who shall at any time, pickle, can

Spiny
lobster.

Crab

or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) or who shall at any time sell any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) meat not in the shell of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor.

Every person who ships or offers for shipment or transportation any species of crab taken in fish and game districts five, six, seven, seven a, eight and nine, is guilty of a misdemeanor.

None of the provisions of this act shall apply to spiny lobster caught or taken without the waters of this state, when said spiny lobsters are not caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; and be it provided, that all the expenses of such inspection shall be borne by the importer of such spiny lobster; and be it provided, further, that all spiny lobster imported into this state shall be of the size prescribed in this section.

Caught
below
Mexican
boundary.

CHAPTER 262.

An act to add a new section to the Political Code, to be numbered one thousand six hundred ten and one-half, relating to the powers and duties of school trustees.

[Approved May 9, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered one thousand six hundred ten and one-half, and to read as follows:

Sec. 1610½. *First*—The high school board of any high school district with the approval of the county superintendent of schools may aid by paying salary or any expenses for the maintenance of high school classes in any elementary school in their district situated more than ten miles from the high school building by the nearest traveled road. The enrollment and average daily attendance of high school pupils in such elementary schools shall be reported to the principal of the high

High school
classes in
elementary
school.

school and made a part of the enrollment and attendance in such high school.

Application
of elementary
school
district for
course of
high school
study.

Second—The board of school trustees of any elementary school district not included in any high school district, the school of which is situated more than ten miles from any high school by the nearest traveled road may, with the approval of the county superintendent of schools, ask the county board of education to outline a course of study to include subjects usually taught in the first and second years of the high school. The county board of education on receiving such application shall outline for such elementary district a course of study for pupils who are entitled to attend a high school to include the first and second years of the regular high school work. The secretary of the county board of education shall notify the board of school trustees applying for permission to teach high school subjects that such permission has been granted. When such course of study is established, it shall be taught only by a teacher holding a full high school certificate. The board of school trustees may meet the extra expenses of such high school training by special tax under section one thousand eight hundred forty of the Political Code. The average daily attendance of pupils in such elementary school taking high school work shall be reported to the county superintendent of schools as high school pupils and by him reported to the superintendent of public instruction. The apportionment of state and county aid given to high school pupils on average daily attendance shall be apportioned to the elementary schools maintaining such high school training.

Expenses.

CHAPTER 263.

An act to amend section six hundred twenty-eight a of the Penal Code, relating to fish and game.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

Protection
of bass.

Shad.

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, except with hook and line and in the manner commonly known as angling, takes, catches, kills or has in his possession any striped bass or shad between the twenty-fifth day of September and the fourteenth day of November inclusive of any year or between the first day of June and the thirty-first day of July, both dates inclusive, of any year, or who, between the twenty-fifth day of September and the fourteenth day of November, inclusive, or between the

first day of June and the thirty-first day of July, inclusive, of any year, takes, catches, kills or has in his possession more than five striped bass or shad, or who between the twenty-fifth day of September and the fourteenth day of November, inclusive, or between the first day of June and the thirty-first day of July, inclusive, of any year, buys, sells, offers for sale, ships or offers for shipment or receives for shipment or transportation any striped bass, or who at any time offers for shipment, ships or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any striped bass is guilty of a misdemeanor. Striped bass or shad. Every person who takes any striped bass or shad in a net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor. Every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine, for the purpose of taking or catching any shad or striped bass in any of the waters of this state at any time between sunrise of each Saturday and sunset of the following Sunday is guilty of a misdemeanor; *provided, however,* Limit. that nothing in this section shall prohibit any person from having in his possession, in any one calendar day, not more than five striped bass of less than three pounds each in weight, caught with hook and line, but such fish shall not be bought, sold or offered for sale, or shipped or offered for shipment. Every person who violates any of the provisions of this section Penalty. is guilty of a misdemeanor.

CHAPTER 264.

An act to amend sections one, two, nine, eleven, twenty-two, twenty-seven, twenty-eight, thirty-two, forty and forty-six, of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, and to add four new sections, numbered two and one-half, fourteen and one-half, twenty-one and one-half and twenty-two and one-half.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of Stats. 1917, p. 1047.

California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith, approved May 15, 1915," approved May 28, 1917, is hereby amended to read as follows:

State
divided
into fish
and game
districts.

Section 1. The State of California is hereby divided into fish and game districts to be known and designated as: Fish and game district one, fish and game district one and one-half, fish and game district one "a," fish and game district one "b," fish and game district one "c," fish and game district one "d," fish and game district one "e," fish and game district one "f," fish and game district one "g," fish and game district one "h," fish and game district one "i," fish and game district one "j," fish and game district one "k," fish and game district one "l," fish and game district one "m," fish and game district two, fish and game district two "a," fish and game district three, fish and game district three "a," fish and game district three "b," fish and game district three "c," fish and game district three "d," fish and game district three "e," fish and game district four, fish and game district four and one-half, fish and game district four "a," fish and game district four "b," fish and game district four "c," fish and game district four "d," fish and game district four "e," fish and game district four "f," fish and game district five, fish and game district six, fish and game district seven, fish and game district seven "a," fish and game district eight, fish and game district nine, fish and game district ten, fish and game district eleven, fish and game district twelve, fish and game district twelve "a," fish and game district twelve "b," fish and game district thirteen, fish and game district fourteen, fish and game district fifteen, fish and game district sixteen, fish and game district seventeen, fish and game district eighteen, fish and game district nineteen, fish and game district twenty, fish and game district twenty "a," fish and game district twenty-one, fish and game district twenty-two, fish and game district twenty-three, fish and game district twenty-four, fish and game district twenty-five and fish and game district twenty-six.

Stats. 1917,
p. 1047.

Sec. 2. Section two of an act approved May 28, 1917, is hereby amended to read as follows:

District one.

Sec. 2. Fish and game district one shall consist of and include the following counties: Yuba, Calaveras, Tuolumne, Mariposa, Madera and Kings, and those portions of Modoc county not included in fish and game districts one "b" and one "c"; those portions of Trinity county not included in fish and game district one "d"; those portions of Shasta county not included in fish and game district one "e"; those portions of Lassen county not included in fish and game districts one "f" and twenty-five; those portions of Tehama county not included in fish and game districts one "g" and twelve "a"; those portions of Plumas county not included in fish and game districts one "h" and twenty-five; those por-

tions of Butte county not included in fish and game districts District one. twelve "a" and twelve "b"; those portions of Sutter county not included in fish and game district twelve "b"; those portions of Sierra and Nevada counties not included in fish and game district twenty-three; those portions of Placer county not included in fish and game district twenty-three; those portions of El Dorado county not included in fish and game districts one "i" and twenty-three; those portions of Sacramento county not included in fish and game district twelve "b"; those portions of Amador county not included in fish and game districts one "j" and twenty-four; those portions of Alpine county not included in fish and game districts one "j" and twenty-four; those portions of San Joaquin county lying east and north of the east or right-hand bank of San Joaquin river and not included in fish and game districts three and twelve "b"; those portions of Stanislaus county lying east of the west bank of the San Joaquin river; those portions of Merced county lying east of the west bank of the San Joaquin river; those portions of Fresno county lying east of the west bank of Fresno slough, Fish slough and Summit lake not included in fish and game districts one "k" and twenty-six; those portions of Kern county lying east of the west bank of Bull slough and the west and south banks of Buena Vista lake to the southeast corner of said lake and lying north of a line extended from this point directly east and intersecting the Tejon state highway and lying east of the said state highway from the above-mentioned point of intersection to where the said state highway crosses the northern boundary line of Los Angeles county, not included in fish and game districts one "l" and one "m" and those portions of Tulare county not included in fish and game district one "l."

SEC. 3. Section nine of said act, approved May 28, 1917, Stats. 1917, p. 1050. is hereby amended to read as follows:

Sec. 9. Fish and game district one "g" shall consist of and include all lands within the county of Tehama within the following boundaries: commencing at a point in section eighteen, township twenty-five north, range two east, where Deer creek intersects the range line between ranges one and two east and running thence north along the range line between ranges one and two east, allowing for proper offsets and corrections, to the northeast corner of section thirty-six, township twenty-seven north, range one east; thence west to a point where Mill creek intersects the national forest boundary; thence in a northeasterly direction along the main channel of Mill creek to a point where the said creek crosses the range line between ranges two and three east; thence south along the range line between ranges two and three east, to the southeast corner of section twenty-five, township twenty-seven north, range two east, thence west to the southwest corner of said section twenty-five; thence south to the southeast corner of section thirty-five, township twenty-seven north, range two east; thence east along township line to a point where Deer creek District one "g."

intersects the township line between township twenty-six north and township twenty-seven north, thence in a southwesterly direction along the main channel of Deer creek to the point of beginning.

Stats. 1917,
p. 1051.

District
one "1."

SEC. 4. Section eleven of an act approved May 28, 1917, is hereby amended to read as follows:

SEC. 11. Fish and game district one "1" shall consist of and include all lands within the county of Placer, within the following boundaries: commencing at the junction of the north fork of the middle fork of the American river and the middle fork of the American river; thence northeasterly up the north fork of the middle fork to Grouse creek; thence northeasterly up main Grouse creek to its intersection with the township line between townships fifteen north and fourteen north, range thirteen east; thence easterly along said township line to the township corner of township fifteen north, ranges thirteen and fourteen east; thence south along range line between township fourteen north, ranges thirteen and fourteen east to the corner of sections twelve and thirteen, township fourteen north, range thirteen east, and sections seven and eighteen, township fourteen north, range fourteen east; thence easterly along section line between sections seven and eighteen, sections eight and seventeen to the Big Meadow trail; thence southerly along said Big Meadow trail to the line between sections twenty and twenty-nine, township fourteen north, range fourteen east; thence east along said section line to the Rubicon river; thence southwesterly down the Rubicon river to intersection of the line between sections six and seven, township thirteen north, range fourteen east; thence west along said section line to range line between township thirteen north, ranges thirteen east and fourteen east; thence west along section line between sections one and twelve, township thirteen north, range thirteen east, to Wallace canyon creek; thence southwesterly down Wallace canyon creek to its confluence with Long canyon; thence westerly down Long canyon to its confluence with the Rubicon river; thence westerly down said river to its confluence with the middle fork of the American river; thence down said river to place of beginning.

Stats. 1917,
p. 1051.

District
four.

SEC. 5. Section twenty-two of said act, approved May 28, 1917, is hereby amended to read as follows:

SEC. 22. Fish and game district four shall consist of and include all those portions of Los Angeles county not included in fish and game districts four "b," four "f," nineteen, twenty and twenty "a"; all those portions of San Bernardino county not included in fish and game districts four "a," four "b" and twenty-two; all those portions of Orange county not included in fish and game districts four "c" and nineteen; all those portions of Riverside county not included in fish and game districts four "e," four "d" and twenty-two; all those portions of San Diego county not included in fish and game districts four "e," nineteen and twenty-one; all those portions

or Imperial county not included in fish and game district twenty-two.

SEC. 6. Section twenty-seven of said act, approved May 28, 1917, is hereby amended to read as follows: Stats. 1917, p. 1057.

Sec. 27. Fish and game district four "e" shall consist of and include all of sections twenty-seven to thirty-four, inclusive, township fifteen south, range five east; all of township fourteen south, range five east; all of sections thirteen, twenty-four, twenty-five, thirty-six, township fifteen south, range four east; all of sections five, six, seven, eight, township sixteen south, range six east; all of sections one to twelve, inclusive, township sixteen south, range five east; all of sections one, two, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-three, twenty-four and the east half of sections three, seventeen, and twenty and the northeast quarter of section twenty-nine, the north half of sections twenty-five, twenty-six, and twenty-eight and the north half of section twenty-two, township sixteen south, range four east. The west half of sections eighteen, nineteen and the northwest quarter of section thirty, township sixteen south, range five east, all located within the county of San Diego. District four "e."

SEC. 7. Section twenty-eight of said act approved May 28, 1917, is hereby amended to read as follows: Stats. 1917, p. 1057.

Sec. 28. Fish and game district four "f" shall consist of and include all of townships eight and nine north, range fourteen west, lying within the counties of Los Angeles and Kern. District four "f."

SEC. 8. Section thirty-two of said act approved May 28, 1917, is hereby amended to read as follows: Stats. 1917, p. 1058.

Sec. 32. Fish and game district seven "a" shall consist of and include the waters of Eel river from its mouth to the east boundary line of township three north, range two west, Humboldt base and meridian, and the waters of Salt river, a tributary of Eel river, as far up as the high tide line. District seven "a."

SEC. 9. Section forty of said act approved May 28, 1917, is hereby amended to read as follows: Stats. 1917, p. 1060.

Sec. 40. Fish and game district thirteen shall consist of and include the waters and tidelands to high water mark of San Francisco bay lying to the south of a line drawn between the ferry building at the foot of Market street in San Francisco and the mouth of the Oakland creek or estuary in Alameda county, exclusive of all streams, sloughs and lagoons. District thirteen.

SEC. 10. Section forty-six of said act approved May 28, 1917, is hereby amended to read as follows: Stats. 1917, p. 1060.

Sec. 46. Fish and game district nineteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between the north boundary of Santa Barbara county and the southern boundary of San Diego county, and shall include all islands and adjacent waters belonging to the State of California and lying off the coast of southern California, south of a line extending due west into the Pacific ocean from the north boundary of Santa Barbara District nineteen.

county, exclusive of Santa Catalina island and state waters adjacent thereto; exclusive of all rivers, streams, lagoons and bays.

SEC. 11. A new section to be known as section two and one-half, is hereby added to said act approved May 28, 1917.

District one and a half.

Sec. 2 $\frac{1}{2}$. Fish and game district one and a half shall consist of and include those portions of Del Norte county not included in fish and game districts five and six; those portions of Siskiyou county not included in fish and game district one "a"; those portions of Humboldt county not included in fish and game districts six, seven, seven "a," eight, and nine.

SEC. 12. A new section to be known as section fourteen and one-half is hereby added to said act, approved May 28, 1917.

District one "m."

Sec. 14 $\frac{1}{2}$. Fish and game district one "m" shall consist of and include all of that certain territory within the county of Kern, bounded and described as follows: Beginning at the San Joaquin Power Company's plant located on the bank of the Kern river, in section six, township twenty-nine south, range thirty east, Mount Diablo base and meridian, thence running in a northeasterly direction following the south bank of the Kern river to the mouth of Clear creek, thence following Clear creek in a southerly direction to the intersection of the Caliente-Kernville highway, thence following said highway in a southerly direction to the intersection of Basin creek; thence following the northerly bank of Basin creek in a southwesterly direction to the intersection of the national forest boundary line as established January 1, 1919, thence following said national forest boundary north and west to the San Joaquin Power Company's plant at the place of beginning.

SEC. 13. A new section to be known as section twenty-one and one-half is hereby added to said act, approved May 28, 1917.

District three "e."

Sec. 21 $\frac{1}{2}$. Fish and game district three "e" shall consist of and include all those portions of township seven south, range three east, Mount Diablo base and meridian, more particularly described as follows: All of sections three, four and nine; the southwest quarter of the southwest quarter of section two; the southeast quarter of section five; the northeast quarter of the northeast quarter of section eight; all of those portions of sections sixteen and seventeen and of the southern three-quarters of section eight lying east of the northeast boundary line of the Rancho Canada del Pala; and all of those portions of sections ten, fifteen and sixteen, and of the west quarter of section eleven, lying to the north of Sulphur creek.

SEC. 14. A new section to be known as section twenty-two and one-half is hereby added to said act, approved May 28, 1917.

District four and one-half.

Sec. 22 $\frac{1}{2}$. Fish and game district four and one-half shall consist of and include the counties of Mono and Inyo.

CHAPTER 265.

An act to amend section six hundred thirty-four of the Penal Code, relating to the protection of fish.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

634. 1. Every person who shall cast, extend or draw, or assist in casting, extending or drawing, any net or seine for the purpose of taking or catching any salmon at any time during the closed seasons, as provided in this act, or at any time between sunrise of Saturday and sunset of the following Sunday, is guilty of a misdemeanor.

Protection
of salmon.

2. Every person who, in fish and game district number one, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than three salmon during any one calendar day is guilty of a misdemeanor. Every person who, in fish and game district number two, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than one salmon during any one calendar day, is guilty of a misdemeanor.

In districts
one, two,
three and
four.

Every person who, in fish and game districts numbers three and four, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon is guilty of a misdemeanor. Every person who, in fish and game districts one, two, three and four, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, or between the twenty-fifth day of September and the fourteenth day of November of the same year, both dates inclusive, takes, catches or kills or has in his possession more than three fresh salmon during any one calendar day, or who buys, sells, offers for sale or exposes for sale any fresh salmon, is guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the possession or sale at any time of any salmon from without the state, or the possession or sale at any time of any salmon lawfully taken in any fish and game district, other than fish and game districts one, two, three and four, when such salmon are inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such salmon for said inspection and tagging.

3. Every person who, in fish and game district five, between the first day of December and the thirty-first day of August of the year following, both dates inclusive, takes, catches or

In district
five.

kills any salmon, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor.

In district
six.

4. Every person who, in fish and game district six, between the first day of December and the fourteenth day of April of the year following, both dates inclusive, or between the first day of June and the thirtieth day of June of the same year, both dates inclusive, or between the sixth day of September and the nineteenth day of September of the same year, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon, or takes, catches or kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, or who uses any net for the purpose of catching salmon in the daytime between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September of the same year, both dates inclusive, is guilty of a misdemeanor.

In district
seven.

5. Every person who, in fish and game district seven, between the first day of December and the thirty-first day of July of the year following, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon, or takes, catches, kills or has in possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who at any time takes, catches, or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, is guilty of a misdemeanor.

In district
seven a.

6. Every person who, in fish and game district seven a, between the eighth day of December and the seventh day of October of the year following, both dates inclusive, takes, catches, kills or has in possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who at any time takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, is guilty of a misdemeanor.

7. Every person who, in fish and game districts eight and nine, between the first day of December and the thirtieth day of September of the year following, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon, or takes, catches, kills or has in possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches, or kills any salmon with any net any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, is guilty of a misdemeanor.

In districts eight and nine.

8. Every person who, in fish and game districts eleven, twelve, twelve b and thirteen, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, or, between the twenty-fifth day of September and the fourteenth day of November of the same year, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon, or takes, catches, kills or has in his possession more than three fresh salmon in one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor. Every person who, in fish and game district ten a, between the first day of December and the thirtieth day of September of the year following, both dates inclusive, takes, catches, kills or has in possession more than three fresh salmon in any one calendar day, or who at any time takes, catches or kills any salmon with any net, any of the meshes of which are less than six and one-half inches in length, is guilty of a misdemeanor.

In districts eleven, twelve, twelve b and thirteen.

9. Every person who, in fish and game district twelve a, between the fifteenth day of May and the thirty-first day of December of the same year, both dates inclusive, takes, catches or kills any salmon, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length is guilty of a misdemeanor.

In district twelve a.

10. Every person who, in fish and game district fifteen, from the first day of September to the fourteenth day of April of the year following, both dates inclusive, takes, catches or kills any salmon, or who, at any time takes, catches or kills any salmon in any net is guilty of a misdemeanor.

In district fifteen.

In districts ten, sixteen, seventeen, eighteen and nineteen.

11. Every person who, in fish and game districts ten, sixteen, seventeen, eighteen and nineteen, between the twenty-fifth day of September and the fourteenth day of November of the same year, both dates inclusive, has in his possession more than three fresh salmon in any one calendar day, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor.

Salmon defined.

12. For the purpose of this act and all acts relating thereto, only such fish as belong to the genus *Oncorhynchus* shall be considered salmon.

For propagation.

13. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes.

Penalty.

14. Any violation of any of the provisions of this act shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had of not less than fifty days, nor more than six months, or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for violation of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 266.

An act to add a new section to the Political Code to be numbered section one thousand six hundred seventy-two a, relating to schools.

[Approved May 9, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section to be numbered section one thousand six hundred seventy-two a is hereby added to the Political Code, to read as follows:

Circulars, etc., of organization not under control of school authorities barred.

1672a. No bulletin, circular or other publication of any character, whose purpose is to spread propaganda or to foster membership in, or subscriptions to the funds of, any organization not directly under the control of the school authorities, or to be used as the basis of study or recitation or to supplement the regular school studies shall be distributed or suffered to be distributed or shown to the pupils of any public school, on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of such school nor shall pupils of the public

school be solicited by teachers or others to subscribe to the funds of, or work for, any organization not directly under the control of the school authorities nor shall any instruction be given through lectures or other means, unless the material contained in such bulletin, circular or publication, or the purpose of such subscription or instruction, has been approved by the state board of education or by the county board of education, or by the governing board of the school district in which the school is situated. No prohibition of this section shall apply to bulletins or circulars concerning the meetings of their organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of co-operating with the school authorities in improving school conditions in the district.

Approval.

Exceptions.

CHAPTER 267.

An act to provide for the registration of minors.

[Approved May 9, 1919. In effect July 22, 1919.]

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

SECTION 1. It shall be the duty of the governing board of every school district, except high school districts, to appoint a registrar of minors, and such assistant registrars as may be necessary, such appointments to be made on or before the fifteenth day of October, 1919. Such registrar of minors and assistants shall be residents of the school district and at least twenty-one years of age, and may be allowed such compensation as the governing board shall fix, not exceeding four dollars a day for the time actually and necessarily employed. Before entering upon the discharge of his duties, each registrar and assistant registrar must qualify and file his oath of office with the superintendent of schools of the county.

Appointment of registrar of minors by school board.

SEC. 2. If the governing board of any school district shall fail to appoint a registrar of minors as herein provided, it shall be the duty of the county superintendent of the schools having jurisdiction over such district to appoint a registrar of minors and such assistant registrars as may be necessary for such district and to fix their compensation, not exceeding four dollars a day for the time actually and necessarily employed. He shall also draw a warrant on the funds of such district in payment of the services of such registrar and assistants.

Appointment by county superintendent.

SEC. 3. It shall be the duty of the registrar of minors during the month of November, 1919, to visit each habitation, residence, domicile or place of abode in his school district and make a complete registration of minors residing in the school district on the first day of November, 1919, on blanks provided by the superintendent of public instruction.

Registration of minors.

Registration
of minors.

Such registration shall show the name and residence of each head of a family in the school district, the names of all minor children in each family, the nativity, sex, race, date of birth of each minor child, the school attended by each minor child if he is attending school, the grade in which he is placed in school, the occupation of each minor child if he is employed in a gainful occupation and the name and address of the employer. Wherever a district is formed lying partly in two or more adjoining counties, the registrar must report to each county superintendent the data concerning the families and children residing in the county under the jurisdiction of such superintendent. Minors who are absent attending institutions of learning shall be registered in the districts where their parents or guardians reside. Orphans, half orphans and children living in orphanages shall be registered in the district in which the orphanage is situated. Minors under guardianship shall be registered in the district in which the guardian resides.

Report of
registrar.

SEC. 4. The registrar shall on or before the first day of January, 1920, file a complete report of such registration, attested by oath, with the county superintendent of schools and a duplicate report with the clerk of the governing board of the district. Such report shall include a statistical abstract showing the number of families enumerated; the total number of boys; the total number of girls; the total number of native-born and foreign-born children, segregated according to sex; the total number of boys and girls of each race, segregated according to sex; the total number of minors under six years of age, segregated according to sex; the total number of minors six and seven years of age, segregated according to sex; the number of minors between the ages of eight and fifteen years inclusive, segregated according to sex; the total number of minors between the ages of sixteen and twenty, inclusive, segregated according to sex; the total number of minors between the ages of sixteen and twenty inclusive, attending school, segregated according to sex; the total number of minors under sixteen years of age employed in gainful occupations; and the total number of minors over sixteen years of age employed in gainful occupations; and the total number of (1) crippled children, (2) blind children, (3) dumb children and (4) deaf children, segregated according to age and sex.

Report to
superintendent
of
public
instruction.

SEC. 5. It shall be the duty of the county superintendent of each county to make a report of the registration of his county to the superintendent of public instruction on or before the first day of March, 1920. Such report shall be compiled from the statistical abstracts filed by registrars of minors of his county and shall be on forms prescribed by the superintendent of public instruction.

Expenses

SEC. 6. The actual and necessary expenses for making such registration shall be paid, subject to provisions of law, out of the county or special fund of the school district.

In carrying out the provisions of this act, any board of school trustees may appoint any teacher or attendance officer employed by them to serve as registrar of minors, and pay such teachers for such additional service, subject to the provisions of this act. In districts employing an attendance officer, such attendance officer shall serve as registrar of minors without additional compensation.

CHAPTER 268.

An act to amend section one thousand seven hundred forty-six of the Political Code, relating to the issuance of bonds of high school districts.

[Approved May 9, 1919. In effect July 22, 1919.]

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

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

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 interest and sinking fund of such high school district, naming the same; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the high school district as shown by the last equalized assessment of the county or counties in which such district is located. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, if any, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in gold coin of the United States, the bonds shall be made payable in such gold coin, as to principal and interest. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in lawful money of the United States, the bonds shall be made payable in lawful money of the United States as to principal and interest. If the notice shall have made no such specific provisions, the board of supervisors shall have power in the order prescribing the form of the bonds either to make the bonds payable in gold coin of the United

When
two-thirds
favor bonds.

Limit on
amount
of bonds

Form of
bonds.

Where payable

States as to principal and interest, or to make them payable in lawful money of the United States as to principal and interest. Said board of supervisors may make the principal and interest of said bonds payable at the office of the treasurer of the county, or at such other place within the United States as the board may designate, or at such treasurer's office or such other designated place, at the option of the bondholder; which place of payment shall be specified in the bonds; and this provision shall apply to all such bonds not yet issued when this section takes effect, regardless of the time when the election therefor was held. The expense of paying such principal and interest elsewhere than at the office of the treasurer shall be a charge against the high school district funds, to be paid out of the tax for the payment of the bonds. Such 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.

Sale at var.

Advertisement of sale.

CHAPTER 269.

An act to amend section twenty-one of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917.

[Approved May 13, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p 1051.

SECTION 1. Section twenty-one of said act approved May 28, 1917, is hereby amended to read as follows:

Sec. 21. Fish and game district three *d* shall consist of and include all lands lying within the county of Ventura within the following boundaries: District
three "d."

Beginning at the northwest corner of township six north, range twenty-one west, San Bernardino base and meridian; thence south along the west line of said township to the southwest corner thereof; thence east along the south line of said township six north, range twenty-one west, to the northwest corner of township five north, range twenty-one west; thence south along the west line of said township five north, range twenty-one west, to the southwest corner of section nineteen, said township and range; thence easterly along the section lines and the section lines produced to a point in the east line of township five north, range eighteen west, one hundred sixty chains north of the southeast corner thereof; thence north along the east line of said township five north, range eighteen west, to the northeast corner thereof; thence west along the north line of township five north, range eighteen west, and township five north, range nineteen west, to the southeast corner of township six north, range nineteen west; thence north along the east line of said township six north, range nineteen west, to the northeast corner thereof; thence west along the north line of township six north, ranges nineteen, twenty and twenty-one west, to the northwest corner of township six north, range twenty-one west, being the point of beginning, all in San Bernardino base and meridian.

CHAPTER 270.

An act to amend sections ten and eleven of an act entitled "An act 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 watercourses, 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, as amended.

[Approved May 11, 1919. In effect July 22, 1919.]

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

SECTION 1. Section ten of an act entitled "An act 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 watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to

Stats. 1909,
p. 809.

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, as amended, is hereby amended to read as follows:

Duty of viewers.

Assessments.

Sec. 10. 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 estimated 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. 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 two thousand 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. And each year thereafter it shall be the duty of the assessor of the county in which the district is situated to assess and enter upon his assessment roll the property within such protection district.

Stats. 1895, p. 249.

SEC. 2. Section eleven of said act approved March 27, 1895, as amended, is hereby amended to read as follows:

Commissioners shall make report with plat of district.

Sec. 11. Said commissioners, having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the board of supervisors, and shall accompany their report with a plat of the district, showing the land taken or to be taken for the work or improvement; and the lands assessed, showing the relative location of each district, block, lot, or portion of lot or other piece of land, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in all respects. When the report and plat are approved by the board of supervisors, a copy of said plat (appropriately designated and certified by the clerk of said board as a correct copy of the plat on file in his office) shall be, by the clerk of said board, recorded in the office of

the recorder and filed in the office of the assessor of the county. Said report of the commissioners shall also contain the names of the persons owning lands taken, or to be taken, for such work or improvement; the names of the landowners who consent to give the right of way, and their written consent thereto; the names of landowners who do not consent, and the amount of damage claimed by each, and the amount of damages awarded to each by the commissioners.

CHAPTER 271.

An act to amend sections three and eight of an act entitled "An act to provide for the adoption of textbooks for use in the public high schools of the state and for furnishing textbooks for the use of pupils of such schools," approved May 18, 1917.

[Approved May 9, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three of an act entitled "An act to provide for the adoption of textbooks for use in the public high schools of the state and for furnishing textbooks for the use of pupils of such schools," approved May 18, 1917, is hereby amended so as to read as follows:

Sec. 3. All publishers desiring to offer school books for the use of pupils enrolled in the high schools of the state shall file with the state board of education at Sacramento a written application for the listing of such book or books accompanied by a fee of ten dollars for each book for which listing is applied, such sum to be deposited in the state treasury to the credit of the state board of education; also three copies of each book, together with a statement of the list price of said book as shown by the publisher's catalog, a statement of all discounts allowed thereon when new copies of such book are purchased by or on behalf of a high school board directly from the publisher, and a statement of the lowest exchange price that will be given when old books in the same subject and of like kind and grade, but of a different series, are received in exchange; *provided*, that no fee shall be required to accompany the application for the listing of a book in a subject studied by less than one hundred pupils in the high schools of the state. They shall also submit a sworn statement giving the lowest net wholesale price at which such book is sold anywhere in the United States and the maximum total discount allowed thereon to any public school board anywhere in the United States. Such sworn statements shall give the lowest exchange price given anywhere in the United States where old books in the same subject and of like kind and grade, but of a different series, are received in

Stats. 1917,
p. 730.

Publisher's
application
for listing
of books.

Sworn
statement.

exchange. Such sworn statement shall also include a statement that said publisher is not directly or indirectly associated or connected with any combination in restraint of trade in textbooks, and that he is not and will not become a party in any way to any understanding, agreement or combination to control prices or restrict competition in the sale of textbooks for use in the State of California.

Stats. 1917,
p. 732.

Adoption of
textbooks
by school
boards.

No change
for period of
four years.

SEC. 2. Section eight of said act approved May 18, 1917, is hereby amended so as to read as follows:

Sec. 8. The high school board of each high school district in the State of California shall adopt textbooks for use in the schools under its control, until a complete list of textbooks covering the entire course of study has been adopted. The books so adopted shall be put in actual use in such district not later than the beginning of the school year next following such adoption. A majority vote of the membership of any board shall determine which of said books prescribed by the state board of education shall be used in the schools under its control, and after such books have been selected and adopted by said board, no book shall be changed, nor any other book substituted therefor, except as otherwise provided in this act, for a period of four years after the date of its adoption, as shown by the official records of the board; *provided*, that any such school textbooks as may be in use in the public schools of California when this act goes into effect may be continued until textbooks are purchased and distributed by the high school board in accordance with the provisions of this act, but when said books are changed or other books substituted, the books adopted shall be from the list prescribed by the state board of education in pursuance of this act and shall be used for a full period of four years.

CHAPTER 272.

An act to accept the gift to the state of San Pasqual battlefield in San Diego county, to provide for collecting and systemizing the history of said battle, for determining the exact location thereof, and to report a suitable method of marking said battlefield and commemorating the heroism of those Americans who fought and died there.

[Approved May 11, 1919. In effect July 22, 1919.]

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

Gift of
San Pasqual
battlefield
accepted.

SECTION 1. The State of California hereby accepts from William G. Henshaw and Ed. Fletcher the gift of the tract of land in San Diego county, described in the deed dated January 16, 1918, and recorded in the county recorder's office of San Diego county, January 21, 1918, in book seven hundred fifty of deeds, at page two hundred fifty-three, being a part

of the scene of the actions fought at San Pasqual between the Americans and Mexicans on December 6 and 7, 1846, and in which actions the Americans lost eighteen men killed and thirteen wounded.

SEC. 2. The California historical survey commission is hereby authorized and directed to collect all obtainable history of the engagements fought between the Americans and Mexicans in San Diego county, at or near San Pasqual, in December, 1846, and incidents related thereto, and to systemize and arrange same so that it may be made available for the use of students of history and for public reading. Said California historical survey commission shall also determine the exact location of said battles and shall recommend a suitable and proper means of marking said battlefield and commemorating the heroism of those Americans who fought and died there.

Duty of
historical
survey
commission.

SEC. 3. Said California historical survey commission shall report the result of their investigations and labors to the forty-fourth session of the legislature on or before January 15, 1921.

Report.

CHAPTER 273.

An act to amend sections three, four, five and twenty-one of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths; the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths; the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners,

Stats. 1917,
p. 718.

physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

Registration districts.

Sec. 3. For the purposes of this act the state shall be divided into registration districts as follows: Each city and county, or city and incorporated town having at least five thousand inhabitants at the last federal census, shall constitute a primary registration district; and each county, exclusive of the cities and incorporated towns therein having at least five thousand inhabitants at the last federal census may be subdivided by the state registrar into a sufficient number of primary rural registration districts, the boundaries of which he shall define and which he may alter, combine, or subdivide from time to time as may be necessary to promote efficient and convenient registration of all births and deaths.

Stats 1617, p. 719.

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

Local registrar

Sec. 4. The clerk of each city and incorporated town having at least five thousand inhabitants at the last federal census, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided, however*, that in cities and counties and cities having a freeholders' charter, the health officer shall act as local registrar and perform all the duties thereof. The state registrar, subject to the approval

Local registrars for primary rural district.

of the state board of health or its secretary, shall appoint a local registrar for each primary rural district whose term of office shall be four years, and whom the state registrar may remove forthwith for failure or neglect to perform his duty as prescribed by this act. Each local registrar, besides transmitting to the state registrar each original birth and death certificate registered by him and besides retaining a complete and accurate copy of each such birth and death certificate for the local record of his district as required by section nineteen of this act, shall also transmit to the recorder of the county for a special county record a complete and accurate copy of each original birth and death certificate transmitted by said local registrar to the state registrar; *provided*, that the health officer of a city and county when acting as local registrar shall not be required to transmit copies of birth or death certificates to the county recorder thereof; *and provided, further*, that in accordance with sections three thousand seventy-six, three thousand seventy-eight, and three thousand seventy-nine of the Political Code, the county recorder shall be the sole local registrar for marriages performed anywhere in the county.

Registrar for marriage.

Deputy.

Each local registrar shall immediately appoint a deputy in writing whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing

accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any registration district, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith forward all certificates to the local registrar of the district, and in all cases before the third day of the following month; *provided*, that each subregistrar shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the rules and regulations of the state registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

Subreg-
istrars.

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

Stats 1917,
p 720.

Sec. 5. The body of any person whose death occurs in this state, or which shall be found dead therein or which shall be brought in from outside the state, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than five days after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body was found, or by the county recorder of the county where said district is located, and it shall be the duty of said county recorder to mail within twenty-four hours the original death certificate to said local registrar; *provided*, that nothing in this act shall be construed to prevent an undertaker from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or an adjoining county in an undertaker's conveyance for the purpose of preparing said body for burial or shipment. A removal permit must be secured within forty-eight hours and before embalming the body. No body where death occurred from any disease held by the state board of health to be infectious, contagious or communicable and dangerous to the public health shall be removed without first securing a removal permit in the manner provided in section nineteen of this act. And no such burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided; *pro-vided*, that when a dead body is transported from outside the state into a registration district in California for burial, the transit or removal permit, issued in accordance with the law

Burial
permits.Removal
permit.Body
brought
into state
for burial

and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment, and giving the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits under this act other than the compensation provided in section twenty.

SEC. 4. Section twenty-one of said act is hereby amended to read as follows:

Sec. 21. The state or local registrar shall forthwith upon request supply to any applicant a certified copy of the record of any birth or death or marriage registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death or marriage when properly certified by the state or local registrar to have been so registered within a period of one year from the date of the event, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made the state registrar or local registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, such fee to be paid by the applicant. The state registrar shall keep a true and correct account of all fees by him received under these provisions, and such money so received by the state registrar shall be deposited with the state treasurer, who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the state board of health, and the money so collected by the local registrar shall be paid by him into the county or city treasury, as the case may be; *provided*, that the local registrar shall, upon request of any parents or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment; *and provided, further*, that the United States census bureau may obtain, without expense to the state, transcripts of births and deaths without payment of the fees herein prescribed.

(b) If, upon such search it shall develop that for any cause any birth or death, or marriage, occurring in this state was not registered in conformity with the provisions of law in effect at the time when such birth or death or marriage occurred by the filing of the certificate therefor with the local registrar within a period of one year from the date of the event, any person beneficially interested in establishing of record the fact of such birth or death or marriage may petition the superior court of the county in which such birth or death or marriage is alleged to have occurred for an order judicially establishing the fact of such birth or death or marriage. Such petition shall be verified and shall contain all the data necessary to

Stats. 1917,
p. 726.

Certified
copies of
records.

Fee for
searching
files.

Petition to
court to
establish
record.

enable the court, upon hearing the same, to determine the fact of such birth or death or marriage upon the proofs adduced in behalf of the petitioner at the hearing thereof. A copy of such petition shall be served upon the local registrar of vital statistics, and also upon the district attorney of the county in which such birth or death or marriage is alleged to have occurred, and either of said officials shall have the right in his discretion to appear at such hearing and oppose the making of such order. Such hearing shall be had at such time as the court may appoint, not less than ten days subsequent to the date of filing such petition, and notice thereof must be given by publication for the same time and in the same manner required by law to be given prior to the hearing of the petition for the admission to probate of any will, or the issuance of letters testamentary or of administration thereon.

If, upon such hearing, the proofs of the allegation of the petition are established, to the satisfaction of the court, the court may make an order determining that such birth, death or marriage did in fact occur in such county and at the time shown by the proofs adduced upon such hearing. Order of court.

Such order must be made in the form and upon the blank Form. prescribed and furnished by the state registrar and but one birth, death or marriage may be included therein. And said order shall become effective upon the filing of a certified copy thereof with the local registrar of vital statistics, and the delivery therewith for transmittal to the state registrar of a standard certificate containing such facts and signatures as are obtainable, and upon the filing of a certified copy of said order with the state registrar.

CHAPTER 274.

An act to amend section three thousand eight hundred four of the Political Code, relating to erroneously collected taxes, penalties and costs.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

3804. Any taxes, penalties or costs thereon heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, or any taxes heretofore or hereafter paid upon an assessment in excess of the actual cash value of the property so assessed by reason of a clerical error of the assessor as to the excess in such cases, or any taxes heretofore or hereafter paid upon an erroneous assessment of improvements on real estate not in fact in existence, when said Refund of erroneously collected taxes, etc.

Refund of
erroneously
collected
taxes etc

taxes became a lien, may, by order of the board of supervisors, be refunded by the county treasurer. Whenever any payment shall have been made to the state treasurer by the county treasurer as provided by section three thousand eight hundred sixty-five and section three thousand eight hundred sixty-six of this code, and it shall afterward appear to the satisfaction of the board of supervisors that a portion of the money so paid should be refunded as herein provided, said board of supervisors may refund such portion of the said taxes, penalties and costs so paid to the state treasurer, to the person paying the same or to his guardian, or in case of his death, to his executor or administrator, out of the general fund, and upon the rendering of the report required by section three thousand eight hundred sixty-eight of this code the auditor shall certify to the controller, in such form as the controller may prescribe, all amounts so refunded, and in the next settlement of the county treasurer with the state, the controller, if satisfied of the legality of such refunding by the said board, shall give such treasurer credit for the state's portion of the amounts so refunded, as prescribed in section three thousand eight hundred seventy-one of this code. When the taxes, penalties and costs hereinbefore referred to are levied in behalf of any school district or any municipal or other public corporation, and collected by the officers of the county, the same may be refunded upon order of the board of supervisors, and the county treasurer shall pay the amount to be refunded out of any money in his possession belonging to the appropriate fund of such school district or municipal or other public corporation. No order for the refund of taxes, penalties or costs under this section shall be made except upon a verified claim therefor verified by the person who has paid said tax, or by his guardian, or in case of his death, by his executor or administrator, which said claim must be filed within three years after the making of the payment sought to be refunded.

In school
district.

Verified
claim.

All such payments not refunded under the provisions of this section within the time allowed therefor may be transferred to the general fund of the county upon an order to that effect by the board of supervisors.

Action for
enforcement
of claims.

In no case shall any judgment be rendered in favor of plaintiff in any action brought for the enforcement or allowance of any rights or claims under this section (except in actions brought by the county treasurer to enforce any credits hereinabove provided for) if the said action be brought by an assignee of the person paying said tax, or by any person other than the person who has paid said tax, or by his guardian, or in case of his death, by his executor or administrator.

CHAPTER 275.

An act to add to the Code of Civil Procedure a new section to be numbered one thousand two hundred seventy-four a, relating to unclaimed property and the escheat thereof.

[Approved May 10, 1919. In effect July 27, 1919.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered one thousand two hundred seventy-four a, and to read as follows:

1274a. All money or other property distributed in the administration of an estate of a decedent and heretofore or hereafter deposited with a county treasurer to the credit of the distributee, must be forthwith delivered into the state treasury by the county treasurer upon the expiration of one year from the date of such deposit. Deposit of unclaimed property.

Money or other property so deposited in the state treasury, if not claimed by the person or persons entitled thereto within five years from the date of such deposit, shall become the property of the State of California by escheat, and the attorney general shall commence a proceeding on behalf of the state in the superior court for Sacramento county, in accordance with this title, to have it adjudged that the title to such property has vested in the state. Proceeding to vest title in state.

CHAPTER 276.

An act to add to the Code of Civil Procedure a new section, to be numbered seven hundred ten a, relating to the filing of transcripts of judgment in certain cases, and prescribing the duties of public disbursing officers with respect thereto.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

710a. In the event the judgment debtor named in any transcript of judgment filed under the provisions of section seven hundred ten of this code, approved March 21, 1903, be a contractor upon any public work, the cost of which is to be paid out of any public moneys voted, appropriated or otherwise set apart for the purpose of paying therefor, only so much of the contract price shall be deemed owing to the contractor, within the meaning of said section, as may remain Payment of claim of contractor on public work.

Payment
of claim of
contractor
on public
work.

payable to him under the terms of his contract, upon the completion thereof, after the sums severally due and to become due to all persons who perform labor upon such work or who bestow skill or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, have been ascertained and paid. The controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract shall not draw his warrant in favor of the court from the docket of which the transcript was taken until said contract is completed and the payments above specified are made, and then only for the excess, if any, of the contract price over the aggregate of the sums so paid.

CHAPTER 277.

An act to amend section one thousand one hundred eighty-four of the Code of Civil Procedure, relating to the retention of moneys due and to become due to contractors, and by adding three new sections to said code to be designated and numbered sections one thousand one hundred eighty-four a, one thousand one hundred eighty-four b, and one thousand one hundred eighty-four c, providing for the disposition of the moneys so retained, prescribing the time within which notices to withhold such moneys must be given and the time within which actions to enforce the payment thereof must be commenced, providing for the consolidation of such actions and for making all adverse claimants parties thereto, and providing certain forfeitures for wrongful or fraudulent acts.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

Notice to
owner of
labor per-
formed and
materials
furnished.

1184. Any of the persons mentioned in the preceding section, except the contractor, may at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of section one thousand one hundred eighty-seven of this code, give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed

to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter. Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; *provided, however,* that in all cases in which said work is being done under a contract with the state, or with any public board, commission, or officer thereof, or with any political subdivision thereof. such notice must be filed, within said time, in the office of the controller, auditor or other public disbursing officer whose duty it is to make payments under the provisions of such contract. No such notice shall be invalid by reason of any defect in form, provided it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given it shall be lawful for the owner to withhold, and in the case of property which, for reasons of public policy or otherwise, is not subject to liens in this chapter provided for, the owner or person who contracted with the contractor, shall withhold from his contractor sufficient money due or that may become due to such contractor to answer such claim and any lien that may be filed therefor including the reasonable cost of any litigation thereunder.

Notice to owner of labor performed and materials furnished.

SEC. 2. Three new sections are hereby added to said Code of Civil Procedure to be designated and numbered, respectively, sections one thousand one hundred eighty-four *a*, one thousand one hundred eighty-four *b*, one thousand one hundred eighty-four *c*, to read as follows:

1184*a*. No action to enforce the payment of any such claim shall be commenced against the owner, nor against the state or any public board, commission, or officer thereof, nor against any political subdivision of the state or the disbursing officer thereof whose duty it is to make payments under provisions of such contract, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by section one thousand one hundred eighty-seven of this code, nor shall any such suit be commenced later than ninety days following the expiration of such period. Any number of persons who have given such notices may join in the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them. Upon the demand of the owner the court shall require all claimants to the moneys withheld by the owner in response to such notices to be impleaded in said action, to the end that the respective rights of all parties may be adjudicated and settled therein.

Time of commencing action.

1184*b*. In the event the moneys so withheld by the owner shall be insufficient to pay in full the valid demands of all the persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands.

Pro rata distribution when moneys insufficient.

Such pro rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

Right to
recover
deficit.

1184c. Nothing contained in the three preceding sections shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor and the surety or sureties upon his bond any deficit that may remain unpaid after such pro rata distribution, in an action commenced under the provisions of an act entitled "An act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work," approved March 27, 1897, and the acts amendatory thereof and supplemental thereto; *provided*, that any person who shall wilfully give a false notice of his claim to the owner or who shall wilfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the distribution of such moneys.

False
claims.

CHAPTER 278.

An act to add a new section to the Code of Civil Procedure to be numbered one hundred seventy a, relating to the disqualification of judicial officers to sit or act in appellate tribunals.

[Approved May 8, 1919. In effect July 22, 1919.]

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

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

Judges
disqualified
for appellate
tribunal.

170a. No justice, judge, or justice of the peace, before whom a cause or question may have been tried or heard, shall sit or act, in an appellate tribunal, on the trial or hearing of such cause or question.

CHAPTER 279.

An act to amend section one thousand seven hundred seventy-one of the Political Code, relating to the powers of county boards of education.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

1771. County boards of education have power :

Powers of county boards of education.

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 examination of teachers, to examine applicants for elementary school certificates and to establish a standard of proficiency which will entitle the person examined to a certificate.

3. To grant, in accordance with sections one thousand seven hundred seventy-two and one thousand seven hundred seventy-five of this code, the following certificates, renewable at the option of the board :

Grant certificates.

(a) Secondary school certificates, authorizing the holders to teach in any secondary or elementary school in the county.

Secondary school

(b) Elementary school certificates authorizing the holders to teach in any elementary school of the county, and in the first two years of any intermediate school course established as provided in section one thousand seven hundred fifty *a* of the Political Code; *provided*, that holders of elementary school certificates who have completed two years of work in a college, or one year of work in a college in addition to a normal school course, or one year of post graduate study in a California state normal school in addition to a normal school course, under regulations prescribed by the state board of education, may teach in the third year of any intermediate school course.

Elementary school.

(c) Kindergarten-primary certificates, authorizing the holders to teach in any kindergarten class in the county.

Kindergarten primary.

(d) Special certificates, authorizing the holders to teach in the schools of the county such branch or branches of learning and in such grades as are named in such certificates. No special certificate shall be granted except for the oral teaching of the deaf or for teaching of the blind or for the teaching of atypical children or for the teaching of special classes in citizenship, or for teaching a subject included under the manual and fine arts, oral and dramatic expression, library craft, technique and use, music, physical education, agriculture, commercial branches, French, Spanish, or any other modern language useful in trade or commerce, vocational guidance and technical, household and industrial arts, and other vocational arts, not herein specified.

Special.

(e) Special certificates authorizing the holders to supervise health and development work in the public schools or to perform the duties of attendance officer may be issued.

4. To grant, in accordance with the provisions of this code, permanent certificates of the grade and kind designated therein. Every certificate except a permanent certificate shall be valid for six years; *provided*, that when any certificate shall be granted on a recommendation or credential given for a limited period only, such certificate shall not be valid for a longer period than that specified in such recommendation or credential; *and provided, further*, that any certificate granted to a candidate who has not had at least one year of experience in teaching shall not be valid for a longer period than two years.

Grant permanent certificates

All certificates must be issued upon blank forms prepared by the superintendent of public instruction, and must have the impress of the seal of the county board of education and be signed by a majority of the members of the county board of education issuing such certificate.

Adopt list of books.

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 one thousand seven hundred twelve of the Political Code; *provided*, that no pupil shall be required to purchase said supplementary books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for supplementary use be purchased by pupils or parents. When supplementary 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 textbooks.

Revoke or suspend certificates.

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.

Issue diplomas.

8. To provide for the conferring of diplomas of graduation, by examination and to issue such diplomas of graduation from the elementary schools of the county except city schools governed by city boards of education; *provided*, that nothing herein shall be construed as prohibiting the county board of education from issuing diplomas of graduation without examination to the pupils in any school which has been accredited by the said county board of education. Such diplomas shall be conferred only upon such pupils as have completed the course of study prescribed by the board. All diplomas granted by the county board of education shall be on blanks furnished by the superintendent of public instruction and shall be signed by the president and secretary of the board.

Seal.

9. To adopt and use in authentication of their acts, an official seal, and to have such printing done as may be necessary.

Prescribe course of study.

10. To prescribe and it shall be their duty to prescribe, on or before the first day of July of each year, the course of study

in and for each grade of the elementary schools of the county for the ensuing school year; *provided*, that such course of study shall not apply to elementary schools in cities governed by city boards of education. Whenever necessary the board may amend and change the course of study, subject to section one thousand six hundred sixty-five of this code.

CHAPTER 280.

An act to amend the title and sections one, five, and six, and to repeal section three of an act entitled, "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; providing for the issue by incorporated cities and towns, cities and counties, and counties of permits for the operation of such automobiles, jitney busses, auto trucks, stages and auto stages; empowering incorporated cities and towns, cities and counties, and counties to enact ordinances for the supervision and regulation of automobiles, jitney busses, auto trucks, stages and auto stages and providing penalties for the violation of such ordinances; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts and parts of acts inconsistent with the provisions of this act," approved May 10, 1917.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. The title of an act entitled "An act providing for supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; providing for the issue by incorporated cities and towns, cities and counties, and counties of permits for the operation of such automobiles, jitney busses, auto trucks, stages and auto stages; empowering incorporated cities and towns, cities and counties, and counties to enact ordinances for the supervision and regulation of automobiles, jitney busses, auto trucks, stages and auto stages and providing penalties for the violation of such ordinances; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts and parts

Stats. 1917,
p. 330.

of acts inconsistent with the provisions of this act," approved May 10, 1917, is hereby amended to read as follows:

Title

An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.

Stats 1917,
p. 330.

SEC. 2. Section one of said act approved May 10, 1917, is hereby amended to read as follows:

Words and
phrases
defined

Section 1. (a) The term "corporation" when used in this act, means a corporation, a company, an association or a joint stock association.

(b) The term "person," when used in this act, means an individual, a firm or copartnership.

(c) The term "transportation company," when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing, any automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county; *provided*, that the term "transportation company," as used in this act, shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, in so far as they own, control, operate or manage taxicabs, hotel busses or sightseeing busses, or any other carrier which does not come within the term "transportation company" as herein defined.

(d) The term "public highway," when used in this act, means every public street, road or highway in this state.

(e) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any transportation company usually or ordinarily operates any automobile, jitney bus, auto truck, stage or auto stage, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any automobile, jitney bus, auto truck, stage or auto stage is operated by a transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the railroad commission thereon shall be final and shall not be subject to review.

SEC. 3. Section five of said act approved May 10, 1917, Stats 1917, p 333 is hereby amended to read as follows:

Sec. 5. No transportation company shall hereafter begin to operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property, for compensation, on any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any transportation company as to the fixed termini between which or the route over which it is actually operating in good faith at the time this act becomes effective, or for operations exclusively within the limits of an incorporated city, town, or city and county. Any right, privilege, franchise or permit held, owned or obtained by any transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission. The railroad commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

The railroad commission may at any time for a good cause suspend and upon notice to the grantee of any certificate and opportunity to be heard revoke, alter or amend any certificate issued under the provisions of this section.

SEC. 4. Section six of said act approved May 10, 1917, is Stats 1917, p 334 hereby amended to read as follows:

Sec. 6. No transportation company may issue any stock or stock certificate, or any bond, or any note or other evidence of indebtedness payable at a period of more than twelve months after the date thereof unless such transportation company, in addition to the other requirements of law, shall first have secured from the railroad commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied and that, in the opinion of the railroad commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order and that, except as otherwise permitted in the order in the case of bonds, notes and other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. Such order may be made, in the discretion of the railroad commission, either with or without a public hearing. Except as in this section otherwise provided, the provisions of section fifty-two of the public utilities act referring to the purposes for which stocks and stock certificates, bonds, notes and other evidences of indebtedness, may be issued and the application of and the accounting for the proceeds thereof, the powers and duties of the railroad commission and the rights

certificate
from railroad
commission.

Stats 1917,
p 334.

Order
authorizing
issue of
stock and
bonds.

Application
of public
utilities act

and duties of public utilities with reference thereto, the legal status of stocks and stock certificates and of bonds, notes and other evidences of indebtedness, issued without an order of the railroad commission then in effect, and the relationship of the State of California to such stocks and stock certificates, and such bonds, notes and other evidences of indebtedness, shall apply to and govern the issue of stocks and stock certificates, and of bonds, notes and other evidences of indebtedness, of transportation companies with the same force and effect as though section fifty-two of the public utilities act were restated in this section with the substitution of the words "transportation company" for the words "public utility" and of the words "transportation companies" for the words "public utilities." The provisions of section fifty-seven of the public utilities act referring to fees to be charged and collected by the railroad commission for certificates authorizing the issue of bonds, notes or other evidences of indebtedness of public utilities shall apply to and govern authorizations by the railroad commission of the issue by transportation companies of bonds, notes or other evidences of indebtedness.

Fees.

Stats. 1917,
p. 331,
repealed.

SEC. 5. Section three of said act approved May 10, 1917, is hereby repealed.

CHAPTER 281.

An act providing for the protection of the vineyards of the state against Phylloxera by regulating the transportation within the state of grapevines or parts thereof for use as fuel.

[Approved May 11, 1919. In effect July 22, 1919.]

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

Transporta
tion of
grapevines
regulated.

SECTION 1. Any person, firm or organization desiring or planning to transport, move or cause to be moved any grapevines or parts thereof from premises or localities within the State of California known to contain grape Phylloxera (*Phylloxera vastatrix*) shall notify the county horticultural commissioner of the county wherein such premises or localities are situated of such intention at least ten days in advance. Such county horticultural commissioner shall within ten days of the receipt of such notice make an inspection of such premises or grapevines to determine whether the grape Phylloxera exists thereon. If, after such inspection, it is found by the county horticultural commissioner that such premises or grapevines are infested with the grape Phylloxera, or if in his judgment such premises or grapevines are liable to be so infested and that there is danger of the said grape Phylloxera

being disseminated to other premises or localities by the movement of such grapevines, the said county horticultural commissioner shall prescribe such treatment as he shall deem necessary to destroy such grape *Phylloxera* so infesting said grapevines. It shall be unlawful to transport, move or cause to be moved any such grapevines or parts thereof from the premises whereon the same are growing until said county horticultural commissioner shall certify in writing after inspection that such grapevines have been thoroughly disinfected under his direction and to his satisfaction; *provided, however*, that nothing in this act shall be construed to apply to grapevines or roots which are for planting or propagation.

SEC. 2. Any expenses incurred by such disinfection as may be prescribed by the county horticultural commissioner under section one hereof, shall be at the expense of the owner or owners, or agent or agents, or person having charge or possession of such grapevines or the premises whereon the same are growing. Expenses.

SEC. 3. Any person, firm or organization who shall knowingly violate any of the provisions of this act shall be guilty of a misdemeanor. Penalty.

CHAPTER 282.

An act to amend sections six and twenty-one of an act entitled "An act 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 watercourses, 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, as amended.

[Approved May 11, 1919. In effect July 22, 1919.]

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

SECTION 1. Section six of an act entitled "An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and watercourses, 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, as amended, is hereby amended to read as follows: Stats. 1911,
p. 448.

Sec. 6. Each protection district shall be governed and controlled by the board of supervisors of the county in which District
governed by
supervisors.

Powers.

it is situated. Said board shall have power, in the name of the county 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 in behalf of such district to condemn property. The said board 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, and do all other things requisite or necessary to carry out the purposes of the district; and to employ the services of any person, legal or otherwise, which in the judgment of said board, may be necessary to carry out said purposes. All work done in any district shall be ordered by the board of supervisors of the county in which said district is located and shall be under the direction of the county surveyor or county engineer. All work which shall exceed an estimated cost of one thousand dollars shall be advertised and let to the lowest bidder; *provided, however*, that at the time flood waters shall threaten the levee of a district the board of supervisors may order emergency work done without advertising for bids therefor. As soon as said district is formed, the board shall cause a survey of the contemplated improvements to be made, or adopt a survey already made, 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 surveys, maps, plans and specifications, and thereafter all such improvements shall be made in accordance with the survey, maps, plans and specifications so adopted; *provided*, that at any time after the adoption of said survey, 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, said board may rescind their action in adopting said survey, map, plans and specifications, and may modify the same or adopt others in place thereof, in which case a new assessment shall be made, or may, by a four-fifths vote of the members thereof, abandon the contemplated improvement and dissolve the said protection district, in which case the expenses already incurred in behalf of such district shall be a county charge.

Stats. 1911,
p. 450.Protection
district
tax levy.

SEC. 2. Section twenty-one of said act approved March 27, 1895, as amended, is hereby amended to read as follows:

Sec. 21. The board of supervisors shall, at the time of making the levy of taxes for county purposes for each year, levy a tax upon the real estate in each protection district in their county sufficient in amount to raise the amount of money which will be needed for the current year for maintaining and repairing the works and improvements of said district. Any

tax upon the lands within said district, levied either for the purposes specified in section seventeen or for the purposes specified in this section, shall be assessed against said lands in proportion to the benefits to be derived by said lands as shown by the report of the commission adopted by the board of supervisors as hereinbefore provided for. 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 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.

Protection
district
tax levy.

CHAPTER 283.

An act to restrict fishing within seven hundred fifty feet of any pier, wharf, jetty or breakwater in fish and game district number nineteen of the State of California.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. Every person who, in fish and game district number nineteen, takes, catches, or kills any fish, except with hook and line in the manner known as angling and except anchovies, squids and sardines with a hand-net conforming to the following measurements and description: a dip or bait net constructed with a metal ring or hoop, or a square frame net to exceed ten feet in diameter around which a fine mesh net, sack or bag is hung, to this hoop or frame, from which the net bag is hung, three or four lines are attached and form a bridle, which is made fast to a hand line, which is used for lowering the net from the pier or bank, within seven hundred fifty feet of the end or sides of any pier, wharf, jetty or breakwater, is guilty of a misdemeanor; *provided*, that this act shall not apply to the taking or catching of smelt only.

Protection
of fish near
pier, wharf,
etc.

Smelt
excepted.

SEC. 2. Every person found guilty of a violation of the provisions of this act shall be fined not more than five hundred dollars, or be imprisoned not more than one hundred fifty days; and all fines or forfeitures imposed and collected for any violation of any of the provisions of this act must be paid into the state treasury to the credit of the fish and game preservation fund.

Penalty.

SEC. 3. Nothing in this act shall prohibit the United States fish and game commission and the fish and game commission of this state from taking, at all times, such fish in such manner as they may deem necessary for the purposes of propagation or for scientific purposes.

For
scientific
purposes.

CHAPTER 284.

An act to prevent trespass upon real estate by live stock.

[Approved May 11, 1919. In effect July 22, 1919.]

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

Trespass by
live stock.

SECTION 1. It shall be unlawful for any person or persons to herd or graze any live stock upon the lands of another in the counties of Plumas, Lassen and Modoc without having first obtained the consent of the owner or owners of the land so to do; *provided*, that the person claiming to be the owner of said lands has the legal title thereto, or an application to possess the same, with first payment made thereon.

Damages.

SEC. 2. The live stock which is herded or grazed upon the lands of another, contrary to the provisions of the first section of this act, shall be liable for all damages done by said live stock while being unlawfully herded or grazed on the lands of another, as aforesaid, together with costs of suit, and said live stock may be seized and held by a writ of attachment issued in the same manner provided by the general laws of the State of California, as security for the payment of any judgment which may be recovered by the owner or owners of said lands for damages incurred by reason of a violation of any of the provisions of this act, and the claim and lien of a judgment or attachment in such case shall be superior to any claim or demand which arose subsequent to the commencement of this action.

Exception.

SEC. 3. This act shall not apply to any live stock running at large on the ranges or commons.

 CHAPTER 285.

An act to amend section twenty-two 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, as amended.

[Approved May 8, 1919. In effect July 22, 1919.]

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

Stats. 1889,
p. 76.

SECTION 1. Section twenty-two 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, as amended, is hereby amended to read as follows:

Sec. 22. If the city council deem it proper that the boundaries of the districts of lands to be affected and assessed to pay the whole or any portion of the damages, cost and expenses of any work or improvement under this act, shall include the whole city, then the commissioners appointed shall proceed in a summary manner to purchase the lands to be taken or condemned from the owners and claimants thereof. If said commissioners and the owners and claimants can not agree upon the price to be paid for said lands, they shall proceed to view and value the same, and shall thereupon make a summary report to the city council. Upon final confirmation of the report, the city council, if there be not sufficient money available in the city treasury, shall cause the whole or any such portion of the cost and expenses of the contemplated public improvement to be assessed upon the whole of the taxable property of said city, and to be included in and form part of the next general assessment roll of said city, and with like effect in all respects as if the same formed a part of the city, state and county taxes; and when the same shall have been collected the said city council shall cause the land required to be paid for or the value thereof tendered, and the said contemplated public improvement to be forthwith made and completed. All the provisions of the preceding sections not in conflict with this section shall be applicable thereto.

Procedure when boundaries of districts of lands affect whole city.

CHAPTER 286.

An act to amend section eight hundred sixty-nine of the Penal Code, relating to the taking and authentication of testimony in preliminary examination.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

Testimony in preliminary examination in cases of homicide.

Form of
deposition
or testimony
in cases of
homicide.

First—It must state the name of the witness, his place of residence, and his business or profession.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within ten days after the close of such examination, if the defendant be held to answer the charge, transcribe into longhand writing, his said shorthand notes, making an original and a copy thereof, and certify and file both said original and copy with the county clerk of the county, or city and county, in which the defendant was examined, and shall, in all cases file his original notes with said clerk. The reporter shall receive no compensation for any services rendered by him as such reporter in any court of this state until the provisions of this section have been, by him, complied with, and shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcriptions, herein provided for, have been filed as herein required.

Sixth—The defendant, upon his arraignment in the superior court, shall be furnished, without cost to him, a copy of said transcription of the testimony and proceedings before the magistrate if shorthand notes thereof were taken by a reporter as provided in this section.

Seventh—The reporter's compensation shall be fixed by the magistrate before whom the examination is had, and shall not exceed that now allowed reporters in the superior courts of this state, and shall be paid out of the treasury of the county, or the city and county, in which the examination is had, on the certificate and order of the said magistrate.

CHAPTER 287.

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

[Approved May 10, 1919. In effect July 27, 1919.]

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

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

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order provide that two 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. The board of supervisors may in similar manner, and for like cause abolish any such additional justices' courts heretofore or hereafter established by it.

In every city of the first and one-half class there must be five justices of the peace, and in every city of the second class there must be two justices of the peace, and in every city of the second and one-half class there must be one justice of the peace, and in every city of the third and fourth classes there must be one justice 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 shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justice's courts. Said justices of the peace of cities and justice's 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, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of police courts, recorder's court or mayor's courts, within such city. No person is eligible to the office of justice of the peace in any city of the first, first and one-half, second, second and one-half or third class, who has not been admitted to practice law in this state; and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county.

Every city justice of the peace in any city of the first and one-half class shall receive a salary of four thousand two hundred dollars per annum, and every city justice of the

Salaries of
justices

peace in any city of the second class shall receive a salary of three thousand six hundred dollars per annum, and every city justice of the peace in any city of the second and one-half class shall receive a salary of three thousand dollars per annum, and every city justice of the peace in any city of the third class shall receive a salary of two thousand dollars per annum, and every city justice of the peace in any city of the fourth class shall receive a salary of one thousand five hundred dollars per annum; and each justice of the peace shall be provided by the city authorities or by the board of supervisors in counties where the salary of the city justice of the peace is paid by the county, with a suitable office in which to hold his court. The compensation of the justice of the peace of any city 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 county, as the case may be, such warrants to be audited and paid as salaries of any other city or county officials. All fees which are chargeable by law for services rendered by such city justice of the peace in cities aforesaid shall be by them respectively collected, and on the first Monday of each month every such city justice, or his clerk shall make a report, under oath, to the city or county treasurer, as the case may be, of the amount of fees so by him collected and pay the amount so collected into the city or county treasury, as the case may be, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

Fees.

In effect
when.

SEC. 2. This act shall take effect ninety-five days after final adjournment of the legislature at its forty-third regular session.

CHAPTER 288.

An act validating the formation and organization and fixing the boundaries of sewer district number two, organized under the provisions of an act of the legislature of the State of California approved May 20, 1915, "An act to provide for the divisions of municipalities in the sewer districts and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payments of such bonds."

[Approved May 11, 1919. In effect July 22, 1919.]

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

Sewer
district
number two
of Willows
validated.

SECTION 1. Sewer district number two of the town of Willows, county of Glenn, State of California, organized, formed and established under the provisions of an act of the legislature of the State of California, approved April 14, 1911, amended

May 29, 1915, and entitled as amended, "An act to provide for the divisions of municipalities into sewer districts and for the construction of, or acquisition and maintenance of sewers therein providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds," and all proceedings in the matter of the organization, formation or establishment of such district, and the boundaries established by the trustees of the said town of Willows are hereby validated and said district in all respects declared valid; and the boundaries of said district are established as follows, to wit:

Beginning at a point on the section line between sections four and nine, township nineteen north, range three west, M. D. M. nine hundred forty-seven and one-tenth feet more or less east of the corner common to sections four, five, eight and nine, this point also being the intersection of the center line of Wood street with the east line of Villa avenue, thence east along said section line to the quarter corner between sections four and nine, thence north on the half section line dividing section four to the south line of Green street, thence east along said south line to the west line of Eureka street, thence southerly along said west line of Eureka street and the west side of Tehama street to the south line of French street, thence west along said south line to the center line of Murdock avenue, thence south along said center line to the intersection with the section line between sections four and nine, thence west along said section line twenty-seven feet more or less to the intersection with the east line of Murdock avenue prolonged from the south, thence south along said east line of Murdock avenue to the south line of Laurel street, thence south along the same line prolonged to the intersection with the half section line running east and west through section nine, thence east along said half section line to the west right of way line of the Southern Pacific Railroad, thence north along said west right of way line forty feet, thence east to the west line of Sacramento street, thence northeasterly parallel to the westerly right of way line of the Central canal to the east line of Sacramento street, thence north along said east line to the point of intersection with the section line between sections three and ten, thence east along said section line to the intersection with the east line of the alley running north and south through block forty-six, Pittsburgh Addition to the town of Willows, prolonged from the south, thence south along said east alley line to the north line of Willow street, thence east along the said north line to the east line of Ventura street, thence south along said east line to the north line of the alley running east and west through block forty-eight, thence east along said north alley line to the west line of Alpine street, thence south along said west line to the north line of Walnut street, thence east along said north line to the west line of Sierra street, thence south along said west line to the south line of Walnut street, thence east along said south line to the

Boundaries.

Boundaries
sewer-district
number two,
town of
Willows.

intersection with the westerly right of way line of the Central canal, thence meandering southwesterly along said right of way line to the intersection with the half section line running east and west through section ten, thence west along said half section line to the intersection with the east right of way line of the Southern Pacific Railroad, thence south along said east right of way line ten feet, thence west one hundred feet more or less to a point on the west right of way line of said railroad, thence south along said west right of way line to the north line of Cedar street, thence west along said north line to the west line of Tehama street, thence south along said west line to the north line of Elm street, thence west along said north line of Elm street to the east line of Marshall avenue, thence north along said east line of Marshall avenue and the same prolonged north to the south line of Laurel street, thence west along said south line to the east line of Villa avenue, thence north along said east line of Villa avenue to the place of beginning.

CHAPTER 289.

An act authorizing the state treasurer, upon approval of the governor and the board of control, to enter into agreements to pay commissions on the sale of certain bonds of the State of California, and providing for the funds from which such commissions shall be paid.

[Approved May 13, 1919. In effect July 22, 1919.]

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

Agreements
to pay
commissions
on sale of
harbor bonds
authorized

SECTION 1. The state treasurer, upon the approval of the governor and the board of control, is hereby authorized to enter into agreements to pay commissions for services rendered in the procuring of bids for all or any portion or portions of the state bonds issued under the provisions of an act entitled "An act 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 June 16, 1913.

Limitations

No agreement shall be entered into by the state treasurer to pay a greater commission than ten per cent of the par value of the bonds sold, and no commission shall be paid for services rendered except to one who has procured and effected the sale

and not until the money from the sale of such bonds has been paid into the state treasury, and no commission shall be paid on any sale of such bonds to any board, department or agency of the state authorized by law to purchase the same.

Should any purchase of said bonds or any thereof, hereafter be made by any board, department or agency of the state authorized by law to make such purchase, on any resale of such bonds so purchased or any thereof thereafter made by such board, department or agency, the foregoing provisions of the act as to entering into agreements to pay, and the payment of, commissions shall apply to such resales as well as to original sales of said bonds or any thereof.

Application
to resales.

SEC. 2. All commissions herein provided to be paid shall be paid out of and from the San Francisco harbor improvement fund, and the state controller is hereby directed to draw his warrants on said fund in favor of the person entitled to such commissions and when entitled thereto, and sufficient money for such purpose is hereby appropriated from said San Francisco harbor improvement fund as and when said commissions become due.

Payment
from
harbor fund.

SEC. 3. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, cramage and other port charges 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 twenty-six of the Political Code of the State of California.

Collection
of money.

SEC. 4. Nothing herein contained shall be construed to prevent an original sale, or a resale by any board, department or agency of the state, of said bonds or any thereof without the payment of such commission.

Sale without
commission

CHAPTER 290.

An act to amend section four thousand three hundred e of the Political Code, relating to the fees of justices' courts.

[Approved May 8, 1919. In effect July 22, 1919]

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

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

4300e. Justices of the peace, except as in this title otherwise provided, shall charge for all services to be performed by him in civil actions:

Fees of
justices
of peace.

Before trial, two dollars, to be paid before complaint filed;

For the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon and supplementary proceedings thereto, three dollars, to be paid when such trial is set for hearing;

Fees of
Justices
of peace.

For certificate and transmitting transcript and papers on appeal, one dollar;

For receiving and filing an abstract of judgment rendered by a justice or judge of another jurisdiction, and for subsequent services based thereon, two dollars;

In cases before a justice of the peace, when the venue shall be changed, for making up and transmission of transcript and papers, one dollar, and a further sum of two dollars as the filing fee of said papers in the court to which venue may be transferred, to be paid by the party making the motion for such change of venue at the time of filing the affidavit therefor;

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents;

For taking deposition, per folio, fifteen cents;

For administering an oath, and certifying the same, twenty-five cents;

For issuing a commission to take testimony, fifty cents;

For all services connected with the posting of estrays, one dollar.

CHAPTER 291.

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 May 11, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 765.

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

Assessment
for interest
on bonds of
irrigation
district.

Sec. 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates, on bonds authorized but not sold;

also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; also sufficient to pay in full all sums due or that will become due from the district before the time for levying the next annual assessment, on account of rentals, or charges for lands, water or water rights acquired by said district under lease or contract; also sufficient to pay in full all sums due or that will become due from the district, before the time for levying the next annual assessment, on account of contracts entered into by the district for power or fuel used or to be used for the pumping of water for the irrigation of land within the district; *provided*, the payment of the cost of such power or fuel has not been provided for by the levying of tolls or charges for the use of water or otherwise; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligation of the district which shall have been reduced to judgment; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for any of the purposes of this act.

Rentals, etc.

Contracts for power or fuel.

Unpaid warrants

CHAPTER 292.

An act to amend sections two thousand two hundred eighty-three, two thousand two hundred eighty-six and two thousand two hundred eighty-nine of the Political Code, providing for state aid for orphans, half orphans and abandoned children.

[Approved May 9, 1910. In effect July 22, 1910.]

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

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

2283. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to each and every institution in this state conducted for the support and maintenance of needy minor orphans, half orphans, or abandoned children, and to each and every county, city and county, city, or town maintaining such orphans, half orphans, or abandoned children, or any or all of such classes of persons, aid not in excess of the sum of one hundred twenty dollars per annum for each such orphan, half orphan or abandoned child supported and maintained in such institution or by such county, city and county, city, or town; but each abandoned

Appropriation: orphan aid.

Orphan aid. child maintained by an institution must have been an inmate thereof for one year prior to such institution receiving aid therefor, as provided in this chapter; *provided, however*, that upon receiving such aid, such institution shall also be entitled to reimbursement from the state for said year in a sum not in excess of one hundred twenty dollars per annum for each such abandoned child where proof of abandonment sufficient to demonstrate the genuineness of the claim is presented to the state board of control; *provided, further*, that, in addition to the amount paid by the state for each half orphan maintained at home by its mother, the county, city and county, city, or town may pay for the support of such half orphan, an amount equal to the sum paid by the state; *and provided, further*, that in any case where any such half orphan is denied aid by the county, upon a petition setting forth the facts in full as to the necessity of aid, verified by five reputable citizens of the county, city and county, city, or town, the mother of such child shall have the right of appeal direct to the state board of control for aid for her child, and should her appeal be sustained by said board, payment must be made for the child as above provided.

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

Board of control may inquire into institutions.

2286. The state board of control is authorized, in behalf of the state, at any time to inquire, either in person or by authorized agent, into the management of any such institution or into the management by any county, city and county, city or town, of aid to orphans, half orphans and abandoned children; and any institution or county, city and county, city or town refusing, upon due demand, to permit such inquiry or to comply with regulations established by said board for the proper maintenance and care of children receiving state aid must not thereafter receive any aid under this chapter until it has complied with all requirements. To carry out the provision of this act, the state board of control may appoint a chief children's agent and such other agents as may be needed who shall, under the rules of said board, visit the homes and the institutions in which are children to whom state aid is being given or for whom aid is being asked, to obtain such information as the board may need in carrying out the provisions of this chapter. Such chief agent shall receive necessary traveling expenses and a salary of two hundred twenty-five dollars per month. Such other agents shall receive their necessary traveling expenses and a salary to be fixed by the board of control, which salary shall be paid in the same manner and at the same time as the salaries of other state officers. All expenses incurred in visiting said asylums and homes, when there are not other available funds, may be audited and allowed by the state board of control out of the appropriation for support of orphans, half orphans and

Children's agents.

Salaries.

abandoned children. The board of control may also pay out of these funds the expense of transporting children for whom proper homes are offered outside the state; *provided*, that the county from which the children are removed shall pay one-half of the total expense necessarily incurred by the state. In addition an advisory committee of three persons serving without pay or expense to the state may be appointed by the board of control, to act in any county in conjunction with the children's agents.

Expense of transporting children.

County to pay one-half.

SEC. 3. Section two thousand two hundred eighty-nine of the Political Code is hereby amended to read as follows:

2289. In order that the provisions of this chapter shall not be abused, it is hereby declared:

1. That no institution which has less than twenty inmates of either or all of the classes mentioned in section two thousand two hundred eighty-three, must be deemed an institution for the support and maintenance of minor orphans, half orphans, or abandoned children, within the intent and meaning of this chapter.

Institution must have twenty inmates.

2. That no child over the age of fifteen years shall be deemed a minor orphan, half orphan, or abandoned child, within the intent and meaning of this chapter.

Age of minor.

3. That no child for whose specific support there is paid to any such institution the sum of twenty dollars or more per month shall be deemed a minor orphan, half orphan, or abandoned child within the intent and meaning of this chapter.

Receiving twenty dollars for child.

4. That no child maintained in an institution for whom a bona fide offer of a proper home has been made shall be considered eligible for further state aid; *it is further provided, however*, that no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

Home for child.

That a child who has not resided in this state for a period of at least two years prior to the application for aid shall not be eligible to receive state aid unless such child is born in this state.

Residence in state.

CHAPTER 293.

An act to amend section eleven of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing

the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915.

[Approved May 9, 1919. In effect July 22, 1919.]

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

Stats. 1915
p. 1334.

SECTION. 1. Section eleven of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions: establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, is hereby amended to read as follows:

Support
of ward.

Sec. 11. Any order providing for the care and custody of a ward of the juvenile court may provide that the expense of support and maintenance of said ward shall be paid by the parent, parents, guardian of said ward or other person liable therefor, after citation thereto, or from the earnings, property or estate of said ward, and in such case shall state the amount to be so paid. If it is found, however, that the parent, parents, guardian of said ward, or other person liable therefor, are unable to pay or that the earnings, property, or estate, of said ward is insufficient to pay the whole expense of support and maintenance of said ward, the court may direct such additional amount as may be necessary for the maintenance and support of said ward to be paid from the county treasury of the county for the support and maintenance of said ward, the amount so ordered to be paid from the treasury of said county not to exceed, in the case of any one ward, the sum of twenty dollars in any one month. No order for payment

shall be made in a sum in excess of the actual cost of supporting and maintaining said ward. No order for the payment of all or part of the expense of support and maintenance of a ward of the juvenile court from the county treasury shall be effective for more than six months, and upon said original and all subsequent hearings the case shall be continued on the calendar, but in no instance to exceed six months.

The judge of the juvenile court may provide that the amount, or any part of the amount, so paid by parents, parent, guardian or other person liable therefor or from the earnings, property or estate of said ward, shall be paid to the probation officer, to be by him paid as the court shall direct, first, to reimburse the person, association or institution that under court order is caring for and maintaining said ward and after such reimbursement to reimburse the county. For such purpose said probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts and shall make a report thereon to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

Paid to
probation
officer.

In all cases the court may determine whether or not the parent, parents, or guardian shall exercise any control of said ward and shall define the extent thereof. Any disobedience or interference with the custody and control of said ward shall constitute a contempt of court.

Extent of
parents'
control.

It shall be the duty of the probation officer to see that such parent, guardian, or other person liable therefor, comply with such orders, or upon three months failure to make such payment to report such failure to said court. The court may thereafter set aside, change or modify any order herein provided for.

Duty of
probation
officer.

CHAPTER 294.

An act to prohibit the advertising of venereal disease remedies and providing a penalty for the violation of the provisions of this act.

[Approved May 11, 1919. In effect July 22, 1919.]

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

SECTION 1. From and after the passage of this act it shall be unlawful for any person, firm, corporation or association, except boards of health or agencies approved by the state board of health, to post or otherwise exhibit or distribute in any manner whatsoever in any place, any advertising or other

Advertising
of venereal
disease
remedies
prohibited.

printed matter concerning venereal diseases, lost manhood, lost vitality, impotency, seminal emissions, self-abuse, varicocele, or excessive sexual indulgence, and calling attention to any medicine, device, compound, treatment or preparation that may be used therefor.

Penalty.

SEC. 2. Any person violating the provisions of this act shall upon conviction therefor be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

CHAPTER 295.

An act to amend section one thousand eight hundred thirty-eight of the Political Code, relating to the powers and duties of the governing boards of school districts in levying taxes for building purposes.

[Approved May 11, 1919. In effect July 22, 1919.]

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

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

Estimate of amount needed for building purposes.

1838. The board of school trustees or the board of education of any school district or of any city, or city and county, 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 which will be required 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 rebuilding 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, or for improving school grounds in their several districts for the ensuing school year.

Levy of tax.

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 submitted and approved. The funds so levied and collected shall be known as the building fund of ----- school district (as the case may be), and shall be available for any or all of the purposes hereinbefore enumerated and the moneys drawn from such fund shall be paid out in the same manner as are moneys from the building funds of school districts; *provided*, that the maximum rate of taxation which may be levied under this section shall not exceed fifteen cents on the one hundred dollars; *provided*, this section shall not be so construed as to repeal sections one thousand eight hundred thirty and one thousand eight hundred thirty-seven, inclusive, and one thousand eight hundred forty of the Political Code, or any part or parts thereof and any tax levied under the provisions of this section shall be in addition to any tax for maintenance levied under the provisions of section one thousand eight hundred forty of the Political Code.

Building fund.

Maximum rate.

Tax levied in addition to maintenance taxes.

CHAPTER 296.

An act to amend section one thousand six hundred eight of the Political Code, relating to powers and duties of boards of school trustees and city boards of education.

[Approved May 9, 1919. In effect July 22, 1919.]

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

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

1608. Boards of school trustees and city boards of education shall have power, and it shall be their duty:

Powers.

First—To manage and control school property within their districts, and to pay all moneys received by them or collected by them from any source whatever, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of their districts.

Management of school property.

Second—Except as otherwise provided in this code, to purchase school furniture, including musical instruments, and apparatus, and such other articles as may be necessary for the use of schools; *provided*, that except in city school districts governed by boards of education, they shall purchase such books and apparatus only as have been adopted by the county board of education.

Purchase furniture, etc.

Third—To furnish, repair, and insure and in their discretion, rent, the school property of their respective districts, such insurance to be written in any solvent insurance company, doing business in this state, or in any mutual insurance company organized under the laws of this state. When the school enrollment of any school is such as to cause overcrowded

Insure, etc., school property.

Temporary
quarters.

schoolrooms, then boards of school trustees and city boards of education shall have power to make arrangements for the location of schools in temporary quarters. These quarters may be procured for a consideration, or at a rental, or by the construction of temporary buildings on school property. The boards of school trustees and city boards of education shall also have power to rent suitable quarters for administrative offices for a period not to exceed five years.

Build school-
houses.

Fourth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Receive
and make
conveyances.

Fifth—To receive in the name of the district conveyances for all property received and purchased by them, and to make in the name of the district conveyances on all property belonging to the district and sold by them.

CHAPTER 297.

An act to amend section nineteen of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks, within municipalities and upon property and rights of way, owned by municipalities and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent said assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911.

[Approved May 10, 1919. In effect July 22, 1919.]

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

Stats. 1911,
p. 738.

SECTION 1. Section nineteen of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks, within municipalities and upon property and rights of way, owned by municipalities and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent said assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, is hereby amended to read as follows:

Bond for
labor and
material.

Sec. 19. Every contractor, person, company or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and shall be made to

inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work of improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company or corporation, who executed the said contract, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment, and any bonds which may be issued to represent any assessment or reassessment. Such laborers, or materialmen may, at any time prior to thirty days after the recording of the assessment for said work, file with the superintendent of streets, a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the persons, company, or corporation, filing the same or their assigns, may commence an action either to enforce the aforesaid lien, or on said bond, for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorneys fee to be fixed by the court; for the prosecution thereof.

Lien for materials furnished.

CHAPTER 298.

An act to amend section six and one-half of an act entitled "An act to provide for work done upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885.

[Approved May 8, 1910. In effect July 22, 1919.]

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

SECTION 1. Section six and one-half of an act entitled "An act to provide for work done upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, is hereby amended to read as follows:

Stats. 1890, p. 23.

Sec. 6½. Every contractor, person, company or corporation including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, in a sum not

Bond for labor and material.

Lien for
materials
furnished.

less than one-half of the total amount payable by the terms of said contract, such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work of improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company, or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company or corporation, who executed the said contract, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment, and any bonds which may be issued to represent any assessment or reassessment. Such laborers, or materialmen may, at any time prior to thirty days after the recording of the assessment for said work, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim the person, company, or corporation filing the same or their assigns, may commence an action either to enforce the aforesaid lien, or on said bond, for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof.

CHAPTER 299.

An act to amend section six hundred twenty-eight c, of the Penal Code, relating to the protection of fish and game.

[Approved May 13, 1919 In effect July 22, 1919.]

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

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

Protection
of young
fish.

628c. Every person who, by seine or other means, catches the young fish of any species and does not immediately return the same to the water alive, or who buys, sells or offers for sale, or has in his possession, any of such fish, whether fresh or dried, or who takes or catches any fish for the sole purpose

of taking the eggs or ova of such fish, or who catches, takes, kills or carries away any fish from any pond or reservoir belonging to, or controlled by the state fish and game commission, or who takes, catches, or kills any kind of fish, in any manner, in any river or stream upon which a spawn-taking station is maintained within one-half mile of the lower side of such spawn-taking station or in any lake upon which a spawn-taking station is maintained within one-half mile of such spawn-taking station during such time as said spawn-taking stations may be in operation, or who in fish and game district number fourteen at any time takes, catches, or kills, any kind of fish is guilty of a misdemeanor. Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons authorized by them, from taking at all times such fish as they may deem necessary for scientific purposes or for purposes of propagation.

Fish near
spawn-taking
station.

In district
fourteen.

For scientific
purposes.

CHAPTER 300.

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

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

626o. Every person who, in the State of California, shoots at any kind of game bird or mammal, except whales, from a power boat, sailboat, automobile, or airplane, is guilty of a misdemeanor.

Protection
of game.

Every person who shall use a shotgun of a larger gauge than that commonly known and designated as a number ten gauge shall be guilty of a misdemeanor.

CHAPTER 301.

An act to amend section one thousand seven hundred seventy-five of the Political Code, relating to the classification of schools, the powers of county boards of education and the granting of teachers' certificates.

[Approved May 9, 1919. In effect July 22, 1919.]

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

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

Certificates
without
examination.
High school.

1775. 1. County boards of education may, without examination grant certificates as follows:

(a) High school certificates: (1) To the holders of high school credentials approved by the state board of education in accordance with the provisions of this code; (2) to the holders of special credentials issued by said state board in accordance with the provisions of this code; (3) to holders of high school certificates issued by any county or city and county board of education in this state.

Elementary
school.

(b) Elementary school certificates: To 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 accredited the normal school issuing said diploma as being of equal rank with the state normal schools of California. (3) Diplomas of graduation with the bachelor's degree based upon a four-year course, granted by the University of California or any other university accredited by the state board of education for high school certification; *provided*, that the holder thereof has successfully completed eight months of experience in teaching, or twelve units of pedagogy according to regulations prescribed by the state board of education. (4) Holders of state board credentials of elementary grade issued by the state board of education in accordance with law. (5) To holders of valid elementary school teachers' certificates of any county, or city and county of California; *provided*, that the holder thereof has had eight months of successful teaching experience.

Kindergarten
primary.

(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 in the 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 a general education equivalent to the requirements of graduation from the kindergarten department of a California state normal school; (4) to the holders of kindergarten credentials issued by the state board of education in accordance with the provisions of this code.

Special.

(d) Special certificates: (1) To the holders of credentials approved by the state board of education, in accordance with the provisions of this code; (2) to the holders of special credentials issued by the state board of education, in accordance with the provisions of this code.

(e) Attendance officer certificates: To the holders of special credentials therefor issued by the state board of education in accordance with the provisions of this code. Attendance officer.

(f) Health and development certificates: To holders of certificates to practice medicine and surgery issued by the California state board of medical examiners or to holders of California life diplomas or special credentials in physical education granted by the state board of education, or to holders of certificates to practice dentistry by the California state board of dental examiners and to holders of certificates of registration as nurses, provided that certificates shall be granted to such persons only when such certificate to practice medicine and surgery, or California life diploma or certificate to practice dentistry, or certificate of registration as nurses, or a special credential in physical education granted by the state board of education, is accompanied by a special credential from the state board of education showing special fitness and training for health supervision of pupils. Health and development.

2. Elementary 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. Elementary certificates to primary grade certificate holders.

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 law. Except as otherwise provided, renewed certificates shall be valid for a period of six years. Certificates now valid continue in force.

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 which said applicant holds, 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 six of section one thousand seven hundred seventy-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 the conditions of this subdivision. Permanent certificate after five years teaching.

5. 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, nor shall a teacher holding a special certificate be employed to teach any

Holders of
existing
certificates.

subject not authorized in such certificate; *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 the day or evening elementary schools 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 school; *and provided, further*, that the holder of any valid special certificate for kindergarten work, or of any kindergarten-primary certificate who presents to the county superintendent of schools a statement that she has spent one year in a California state normal school, signed by the president thereof, or who presents evidence of one year of successful experience in teaching in an elementary school, or who holds a diploma of graduation issued during or after the year 1917 by an institution accredited by the state board of education for kindergarten certification, shall be entitled to teach in the first grade of the elementary school.

High school
librarian.

6. No librarian shall be employed for more than two hours a day in any high school, unless such librarian holds a high school certificate or a special teachers' certificate in library craft technique and use, of secondary grade, granted in accordance with the provisions of this code. Such librarians shall rank as teachers, and shall be subject to the burdens and entitled to the benefits of the public school teachers retirement salary fund law on the same basis as other teachers.

CHAPTER 302.

An act to amend section two thousand five hundred twenty-eight of the Political Code, relating to the disposition of moneys collected by the board of state harbor commissioners.

[Approved May 10, 1910. In effect July 22, 1910.]

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

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

Disposition
of moneys
collected
by state
harbor com-
missioners.

2528. All moneys collected shall be paid into the state treasury and be credited to the San Francisco harbor improvement fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers and employees, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile driving and piles, expense of preserving piles and timber, cleaning the wharves and bulkheads, legal and other incidental expenses, and in addition ten thousand dollars per month for urgent

repairs, which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the waterfront under the jurisdiction of the board, without advertising for proposals therefor.

CHAPTER 303.

An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto.

[Approved May 10, 1919. In effect July 22, 1919.]

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

SECTION 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the improvement, erection or construction of any building, road, excavating, or other mechanical work for this state, or for any political subdivision or agency of the state shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers or board, in a sum not less than one-half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor, and either at least two sureties or by corporate surety as provided by law, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, or his or its subcontractor, fails to pay for any materials, provisions, provender or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the surety or sureties will pay the same in an amount not exceeding the sum specified in the bond, and also, in case suit is brought upon such bond, a reasonable attorney's fee, to be fixed by the court. Unless such bond is filed as herein provided, no claim in favor of the contractor arising under such contract shall be audited, allowed, or paid by any public officer of this state, or of any political subdivision or state agency, but persons who have in good faith performed work upon such contract, or supplied materials for the execution thereof, shall, upon giving the notice prescribed in section two hereof, be entitled to receive payment of their respective claims in the manner provided by sections one thousand one

Bond of contractor on public work.

Sureties.

hundred eighty-four, one thousand one hundred eighty-four *a*, one thousand one hundred eighty-four *b* and one thousand one hundred eighty-four *c* of the Code of Civil Procedure.

Claims of
materialmen,
etc.

SEC. 2. Any materialman, person, company or corporation furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements or machinery for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, or by the subcontractor of said contractor, company, or corporation, may at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of section one thousand one hundred eighty-seven of the Code of Civil Procedure, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same have not been paid. At any time within ninety days following the expiration of the period last mentioned, the person, company or corporation filing the same may commence an action against the surety or sureties on the bond, specified and required in section one hereof. And upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Act,
Stats 1897,
p. 201,
repealed.

SEC. 3. The act entitled "An act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work," approved March 27, 1897, and all acts amendatory thereof are hereby repealed; saving to all persons, however, all rights which have accrued under the provisions of said statutes, or any thereof.

CHAPTER 304.

An act to amend an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of

the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, by amending sections two, seventeen and forty-six thereof.

[Approved May 11, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, is hereby amended to read as follows:

Stats. 1917,
p. 1330.

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

Definitions:
"Commission."

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

"Commissioner."

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

"Corporation."

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

"Person."

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

"Transportation of persons."

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

"Transportation of property."

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

"Street railroad."

"Street
railroad cor-
poration."

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

"Railroad."

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

"Railroad
corporation."

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

"Express
corporation."

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

"Common
carrier."

(l) The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight, freight line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel engaged in the transportation of persons or property for compensation between points upon the inland waters of this state or regularly engaged in the transportation of persons or property for compensation upon the high seas, on regular routes between points within this state. The term "inland waters" as used in this subsection includes all navigable waters within the State of California other than the high seas.

"Inland
waters."

"Pipe line."

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

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

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

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

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

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

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

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

(u) The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such "Telegraph line."

communication is had with or without the use of transmission wires.

"Telegraph corporation."

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

"Water system."

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

"Water corporation."

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

"Vessel."

(y) The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property, except row-boats, sailing boats and barges under twenty tons dead weight carrying capacity, and vessels propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register.

"Wharf-finger."

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

"Warehouse-man."

(aa) The term "warehouseman," when used in this act includes every corporation or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharf-finger.

"Heating plant."

(bb) The term "heating plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of heat for domestic, business, industrial or public use.

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

(dd) The term "public utility," when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof. The term "public or any portion thereof" as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality or other political subdivision of the state, for which the service is performed or to which the commodity is delivered, and whenever any common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman or heat corporation performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman or heat corporation is hereby declared to be a public utility subject to the jurisdiction, control and regulation of the commission and the provisions of this act. Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act. "Public utility."

SEC. 2. Section seventeen of the said act is hereby amended to read as follows: Stats. 1917,
p. 199.

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

2. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such Different rate not to be charged

transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

Passes not to be given except to own officers, etc.

3. No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for passengers between points within this state, except to its officers, agents, employees, attorneys, physicians and surgeons, and members of their families; to ministers of religions, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research or in patriotic work when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of live stock, poultry, milk, fruit and other freight, under uniform and nondiscriminatory regulations; to employees of sleeping-car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, post-office inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; *provided*, that the term "employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term

"Employees" defined.

"families," as used in this section, shall include the families of those persons heretofore named in this proviso, and the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; *and provided, further,* that no free ticket, free pass or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employee of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; *and provided, further,* that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers within this state; *and provided, further,* that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose.

No pass to shipper.

Railroad commission.

News-papers.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matters to their officers, agents, employees, attorneys, physicians and surgeons, and members of the families, or the interchange of free or reduced-rate transportation for passengers or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the interstate commerce commission, or where such common carriers, though not in whole or in part subject to the jurisdiction of this commission or of the interstate commerce commission, but which are engaged in the business of transporting passengers and freight by water between the United States and foreign countries, and are permitted by the interstate commerce act to interchange such free transportation with common carriers which are subject to the jurisdiction of the interstate commerce commission or to the jurisdiction of this commission; *provided,* that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family; nor to prohibit the issue of reduced-rate transportation by a common carrier to children attending an institution of learning; nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents,

Express matter to company's officers.

Exceptions.

employees, attorneys, physicians and surgeons, and members of their families; nor to prevent the carrying out of contracts for free or reduced-rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made; nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employees, of persons entering or leaving its service, and of persons killed or dying while in its service.

United States, state, etc. property may be carried free in certain cases.

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

Rebates prohibited.

(b) Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any public utility engaged in furnishing or rendering more than one product, commodity or service, charge, demand, collect or receive a greater or less, or different compensation for the collective, combined or contemporaneous furnishing or rendition of two or more of such products, commodities or services, than the aggregate of the rates, tolls, rentals or charges specified in its schedules on file and in effect at the time, applicable to each such product, commodity or service when separately furnished or rendered, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; *provided*, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

Stats. 1915, p. 138.

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

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

Power to prescribe standards, etc.

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

Entering premises for tests, etc

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

Testing measuring appliances.

CHAPTER 305.

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

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

626s. Every person who, in fish and game districts numbers one *a*, one *b*, one *c*, one *d*, one *e*, one *f*, one *g*, one *h*, one *i*, one *j*, one *k*, one *l*, two *a*, three *a*, three *b*, three *c*, three *d*, four *a*,

Protection of wild game.

Protection
of wild
game.

four *b*, four *c*, four *d*, four *e*, four *f*, hunts, pursues, takes, catches, kills, destroys or has in his possession any wild bird or wild animal, excepting the predatory birds and animals designated in this chapter, or who, within the boundaries of said fish and game districts numbers one *a*, one *b*, one *c*, one *d*, one *e*, one *f*, one *g*, one *h*, one *i*, one *j*, one *k*, one *l*, one *m*, two *a*, three *a*, three *b*, three *c*, three *d*, three *e*, three *f*, four *a*, four *b*, four *c*, four *d*, four *e*, hunts, pursues, takes, catches, kills or destroys or has in his possession any predatory bird or animal without first having secured written permission from the board of fish and game commissioners, shall be guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the hunting, pursuing and killing of waterfowl in game districts four *a* and four *e*, in accordance with the provisions prescribed in this chapter.

In district
twenty-six.

Every person who, in fish and game district number twenty-six, takes, catches, kills or has in possession any fish is guilty of a misdemeanor.

Penalty.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than fifty days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures 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. Nothing in this act shall prohibit the fish and game commission or persons authorized by them, from taking at all times and in any manner such fish or game as they may deem necessary for scientific purposes, or purposes of propagation.

CHAPTER 306.

An act to amend section one of an act entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, as subsequently amended, to provide for the funding or refunding of indebtedness of incorporated cities or towns, evidenced by bonds or warrants thereof, or by judgment or judgments, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

[Approved May 10, 1919. In effect July 22, 1919.]

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

Stats. 1901,
p. 274.

SECTION 1. Section one of an act entitled "An act authorizing the common council, board of trustees, or other governing

body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, as subsequently amended, is hereby amended to read as follows:

Section 1. The common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class in this state, having an outstanding indebtedness evidenced by bonds or warrants thereof, or by judgment or judgments, is empowered, by a two-thirds vote of its number, to fund or refund the said indebtedness and issue bonds of such city or town therefor in sums of not less than one hundred dollars nor more than one thousand dollars each, and having not more than forty years to run, and bearing a rate of interest not exceeding six per cent per annum, payable semiannually; *provided*, that no indebtedness shall be refunded at a higher rate of interest than that borne by the original debt. Such bonds shall be of the character known as "serials," not less than one-fortieth of the principal being payable each year, together with the interest due on all sums unpaid. Principal and interest on said bonds shall be payable in gold coin or other lawful money of the United States, as may be expressed in said bonds, at the office of treasurer of said city or town. Said bonds shall be sold in the manner provided by such city council or other governing body, to the highest bidder therefor, for not less than their face value, in the same character of money as that in which they are payable. The proceeds of such sale shall be placed in the treasury of such city or town to the credit of the "funding fund," and shall be applied only to refunding the indebtedness for which said bonds are issued. Said trustees, or other governing body, shall at the time for fixing the general tax levy for each year, and in the same manner as such tax levy is made, levy and collect sufficient money to pay such part of the principal of said bonds issued under this act, as one year bears to the number of years for which the bonds are to run, and also the annual interest upon the sums unpaid.

Where such indebtedness is evidenced by judgment or judgments obtained for indebtedness or liability incurred by any such incorporated city or town exceeding the income and revenue provided for the year in which such indebtedness or liability was incurred, within the meaning of section eighteen of article eleven of the constitution, bonds to fund the same shall not be issued unless authorized by the assent of two-thirds of the qualified electors of such incorporated city or town voting at an election to be called and held for that purpose. The election shall be called and held 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 or completion thereof," in effect

Refunding bonded indebtedness of municipal corporations.

Interest.

"Serials."

"Funding fund."

When election necessary.

Application
of proceeds
of sale of
bonds.

February 25, 1901, and amendments thereto, and the ordinance calling the election shall recite the object and purposes for which such bonded indebtedness is proposed to be incurred. The proceeds arising from the sale of such bonds shall be applied by the treasurer to the satisfaction of such judgment or judgments.

CHAPTER 307.

An act to amend section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913.

[Approved May 9, 1919. In effect July 22, 1919.]

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

Stats. 1913,
p. 1128.

SECTION 1. Section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, is hereby amended to read as follows:

Service in
California
Polytechnic
and normal
schools.

Sec. 15. Service of a teacher in the California Polytechnic School with a valid certificate or a teacher with or without a certificate in a state normal school, shall be equivalent to service under legal certificate in a day or evening school, and the time of said service in the California Polytechnic School, or in a state normal school, shall be reckoned in determining the right of retirement salaries under provisions of sections thirteen and fourteen of this act.

CHAPTER 308.

An act to add a new section to the Penal Code to be numbered six hundred twenty-six a, relating to the protection of game.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered six hundred twenty-six a, and to read as follows:

626a. Whenever or wherever in any section of the code an open season for the pursuing, hunting, taking, catching, killing or possession of wild birds, wild animals or fish is prescribed, it shall be lawful for any person to retain in possession for an additional five days next succeeding the last day of such open season any of the wild birds, wild animals or fish legally taken, caught, killed or possessed during the open season therefor; *provided*, that not more than the bag limit of wild birds, wild animals or fish allowed to be taken, caught, killed or possessed during one calendar day in such open season may be held in possession during said additional period of five days.

Retaining fish and game after open season.

CHAPTER 309.

An act to add thirteen new sections to the Political Code, to be numbered one thousand five hundred eighty-five, one thousand five hundred eighty-six, one thousand five hundred eighty-seven, one thousand five hundred eighty-eight, one thousand five hundred eighty-nine, one thousand five hundred eighty-nine a, one thousand five hundred eighty-nine b, one thousand five hundred eighty-nine c, one thousand five hundred ninety, one thousand five hundred ninety-one, one thousand five hundred ninety-one a, one thousand five hundred ninety-one b and one thousand five hundred ninety-one c, and to repeal section one thousand six hundred seventy-four of the Political Code, relating to union school districts.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section, to be numbered one thousand five hundred eighty-five is hereby added to the Political Code, to read as follows:

1585. When a majority of the heads of families who reside in two or more contiguous school districts, and who have children attending school as shown by the teachers' registers in the school of the said districts in the same county, shall unite in a petition to the county superintendent of schools for the formation of a union school district, to comprise the districts so petitioning, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Said election shall be held separately and simultaneously at the public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public schoolhouse in each district at least ten days before

Union school districts, how formed.

Election.

said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election, in each district, shall contain the words, "for the union school district," and the voter shall write or print after said words on his ballot the word "yes" or the word "no." It shall be the duty of said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election.

Canvass
of vote.

Meeting of
electors.

If a majority of the votes cast at such election, in each and every of such districts, shall be in favor of such union school district, the county superintendent shall, except in the case of the formation of a union district consisting of but two districts, and as hereinafter provided for in section one thousand five hundred eighty-seven of this code, within fifteen days after receiving the returns of the election held therein, direct the board of trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in this code for calling district meetings. At said meeting the qualified electors shall in each district select one representative, whose powers and duties shall be as hereinafter specified. The representatives so chosen shall name the union school district, and shall have power to make temporary arrangements for the location of one or more union schools therein, and, if satisfactory apartments or buildings in a suitable location are offered or can be procured, for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure an option of a lease on such apartment or building for a period not to exceed three years from the first day of July next ensuing. Within forty days after their selection they shall notify the county superintendent of schools that they desire to meet to locate one or more union schools in and for such union district. Thereafter the representatives so chosen shall meet in conjunction with the county superintendent of schools at a time and place to be named by the superintendent, for the purpose of determining the location of such union school or schools. At such meeting the superintendent shall be the chairman and shall be entitled to vote and participate in all its proceedings. Should said representatives fail to unanimously agree upon a location for such school or schools, they shall propose in writing to the county superintendent then present, or, if he is not present, they shall transmit to his office, within ten days, the names of the locations which they, or any of them, favor. Within twenty days after receiving such notice, the superintendent shall call an election in the same manner as the election for the formation of the union school district, to determine the location of the union school or schools. At such election only such sites as have been named by the representatives and certified to the county superintendent shall be voted upon. Any form of ballot by

District rep-
resentatives.

Powers.

Location
of school.

Election to
determine
location.

which the voter signifies his choice of location or locations shall be allowed. The result of said election shall be determined and certified to the county superintendent, within five days subsequent to the holding of said election. The location or locations which receive the largest number of votes shall be chosen as the location or locations of the school or schools.

SEC. 2. A new section to be numbered one thousand five hundred eighty-six is hereby added to the Political Code to read as follows:

1586. A union school district formed of school districts not all in the same county, is designated a joint union school district. Joint union districts.

When a majority of the heads of families residing in two or more contiguous school districts not all in the same county and who have children attending the schools in the districts petitioning as shown by the teachers' registers shall unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts so petitioning, it shall be the duty of each of said superintendents, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each of such petitioning districts, to conduct the election therein. Said election shall be called and conducted in all respects as specified in section one thousand five hundred eighty-five of this code, except that the form of ballot shall be: "For the joint union school district," and the result thereof shall be reported by the election officers in each district to the superintendent of the county in which such district is situated, within five days subsequent to the holding of said election. How formed.
Election.

If a majority of the votes cast at such election, in each and every of such districts, shall be in favor of such joint union school district, the county superintendent in each county shall, except in the case of the formation of a joint union district consisting of but two districts, and as provided in section one thousand five hundred eighty-seven of this code, within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his county, to call a meeting of the qualified electors, as provided in section one thousand five hundred eighty-five of this code. Meeting of electors.

At said meeting the qualified electors, in each district shall select a representative, as provided in section one thousand five hundred eighty-five. The representatives so chosen shall meet at a time and place to be agreed upon among themselves, and name the joint union school district. The location of the joint union school, or schools, shall be determined by the joint action of the representatives chosen and the county superintendents of the counties, in manner and form as provided for the location of a union school or schools. District representatives.
Powers.

SEC. 3. A new section to be numbered one thousand five hundred eighty-seven is hereby added to the Political Code to read as follows:

Proceedings
may begin
at any time

1587. Proceedings for the formation of, or for admission to, a union or joint union school district may be begun at any time, but the schools in the district uniting to form, or that are admitted to, a union or joint union school district, shall remain under the control of their respective boards of trustees until the first day of July next succeeding the formation of the union or joint union district and the location of the union or joint union school, or schools, or of admission to a union or joint union district, on which first day of July the districts uniting to form the union or joint union school district, or the district admitted to such union, shall cease to exist, except for purposes specified in sections one thousand five hundred eighty-five to one thousand five hundred ninety-one *c* inclusive of this code, and the terms of office of the school trustees in said districts shall expire, and the district property of each district so uniting or admitted shall vest in such union or joint union district and pass to the control of the board of trustees of such district, to be held and disposed of by them, according to the provisions of this code relating to the powers and duties of boards of school trustees; *provided*, that in union or joint union school districts formed by the union of but two school districts, no selection of representatives, as provided for in section one thousand five hundred eighty-five is necessary, and the board of trustees for the original school districts shall act as the representatives, and shall constitute the board of trustees for the new union or joint union school district, and each of such trustees shall continue in office for the term for which he was elected, except as hereinafter provided; *and provided, further*, that the proceeds of any sale by the board of trustees of the union or joint union school district, of school property that originally belonged to any of the original districts, must first be applied to the discharge of any bonded indebtedness of such original district.

Change on
July 1 next
succeeding.

Union of but
two districts.

Representa-
tives to act
until election
of board.

In the formation of union or joint union school districts, the representatives selected according to the provisions of section one thousand five hundred eighty-five shall act as a board of trustees for such union or joint union district, until the election or appointment and qualification of the regular board of trustees.

SEC. 4. A new section to be numbered one thousand five hundred eighty-eight is hereby added to the Political Code to read as follows:

Board of
trustees.

1588. *First*—In every union or joint union school district, the governing board shall be composed of five members who shall be elected at large from the elementary school districts composing the union for the term of three years, excepting as hereinafter provided. When any union or joint union school district is formed, the superintendent or superintendents of

schools who may have jurisdiction over the same shall, within fifteen days thereafter, appoint a board of school trustees of five members for the union or joint union school district. Each member so appointed shall hold office until the first day of May next succeeding such appointment.

Second—The regular annual election of members of the union or joint union school district board shall be held at the same time as the regular annual election of school trustees as provided in section one thousand five hundred ninety-three of the Political Code; said election shall be called by the union school district board which shall designate a polling place in each of the elementary school districts composing the union or joint union school district at which the electors of such school district may vote. The union or joint union school district board shall give the same notice of said election and appoint the same number of election officers in each elementary school district composing the union as are required for the election of school trustees in elementary school districts. Said election shall be held in the same manner as are elections of school trustees, and the returns thereof shall be at once sent to the clerk of the union or joint union district board. Said board shall meet 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 union or joint union school district. After 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 union or joint union school district, the appointee to hold office for the remainder of the unexpired term.

Annual election.

Vacancies.

Third—At the first election for members of the board of school trustees of the union or joint union school district, one member shall be elected to hold office from the day of receiving his certificate of election until the first day of May, next succeeding; two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May; and two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter the successors shall be elected as hereinbefore provided.

Terms at first election.

SEC. 5. A new section to be numbered one thousand five hundred eighty-nine is hereby added to the Political Code to read as follows:

1589. After the location of the union or joint union school, or schools, has been determined, the representatives, acting as a board of trustees, or their successors, may erect or lease a suitable building, as they may deem most advisable. A lease shall not be made for a longer period than three years. A building may be erected under the provisions of sections one

Erection or lease of building.

thousand eight hundred thirty to one thousand eight hundred thirty-nine, inclusive, of this code, relating to a district tax, or sections one thousand eight hundred eighty to one thousand eight hundred eighty-nine, inclusive, of this code, relating to the issuance of bonds. In all cases the plans must be approved by the county superintendent of schools of the county in which the schoolhouse is to be located.

Change of location.

No change of location of any union or joint union school, when once established, shall be made, except upon a petition to the county superintendent of schools, or superintendents, in case of a joint union district, signed by two-thirds of the heads of families who reside in the school district and who have children attending the school as is shown by the teacher's register in the school, and then only in accordance with all the provisions for the original location of the school.

SEC. 6. A new section to be numbered one thousand five hundred eighty-nine *a* is hereby added to the Political Code to read as follows:

Powers and duties of trustees.

1589*a*. The powers and duties of boards of trustees in union or joint union school districts shall be such as are now, or may hereafter be assigned by law to boards of school trustees, except as otherwise provided in sections one thousand five hundred eighty-five to one thousand five hundred ninety-one *c*, inclusive, of this code.

SEC. 7. A new section to be numbered one thousand five hundred eighty-nine *b* is hereby added to the Political Code to read as follows:

Meetings.

1589*b*. Boards of trustees of union or joint union school districts shall hold regular meetings at the school buildings, at such time as may be provided in the rules and regulations adopted by them for their own government. Such meetings shall not be held less frequently than quarterly. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof, pursuant to such request. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union and joint union districts formed by the union of more than three school districts the board may appoint an executive committee, consisting of the president and the clerk and one other member of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first meeting ensuing.

Special meetings.

SEC. 8. A new section to be numbered one thousand five hundred eighty-nine *c* is hereby added to the Political Code to read as follows:

Super-vising principal.

1589*c*. Whenever in their judgment it may be deemed advisable, the board of trustees for any union or joint union school district may unite with the trustees of any other school

district, single, union or joint, in the employment of a supervising principal, who shall devote such time to the supervision of instruction in the several school districts and shall receive such compensation from each board of trustees as may be agreed upon by them.

SEC. 9. A new section to be numbered one thousand five hundred ninety is hereby added to the Political Code to read as follows:

1590. On the first day of July next ensuing after the formation of a union or joint union school district, or the admission thereto of a school district, the county superintendent of schools, or superintendents in joint union school districts, shall transfer, by requisition upon the county auditor, all funds remaining to the credit of the different districts uniting to form the union or joint union district, or to the credit of the district admitted thereto, to the credit of such union or joint union district.

Transfer of funds to union district.

For the purposes of teachers' reports and for the estimating of the number of teachers and the amount of money to which each district is entitled, the several districts uniting to form the union school district shall continue their separate existence.

The teacher or teachers shall keep the enrollment and attendance of each district separate from that of the other districts composing the union. At the close of the term or year, a report shall be made of the attendance of each district composing the union separately. These separate reports shall be combined into a principal's report. In case of a joint union school district, the teacher or teachers shall send a copy of each report to the county superintendent in whose county parts of the district lie; and provided, further, that no moneys shall be apportioned directly to any of such several districts, while forming a part of an organized union or joint union school district, but there shall be apportioned to such union or joint union district the aggregate of moneys that would be apportioned to the several school districts composing it, if such several districts were not united.

Separate reports.

Apportionment of money.

SEC. 10. A new section to be numbered one thousand five hundred ninety-one is hereby added to the Political Code to read as follows:

1591. Any school district may be admitted to a union or joint union school district by action of the board of supervisors of the county in which such school district is located, upon such terms as may be agreed upon between the board of trustees of the school district seeking admission and the board of trustees of the union or joint union school district, whenever a majority of the heads of families who reside in the district and who have children enrolled in the school as is shown by the teacher's report on file in the office of the superintendent of schools for the year or term immediately preceding, shall present to said board of supervisors a petition for such annexation, accompanied by a petition for such annexation signed by

Annexation of other districts.

a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. The county superintendent of schools shall then classify the newly admitted district, in class A, B, or C, as provided in section one thousand five hundred eighty-eight of this code for the election of a trustee thereby. If such petitioning school district and such union or joint union school district be not wholly situated in the same county, then said petitions shall be presented in duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation shall be made only by the concurrent action of all of such board of supervisors; and in that case the classification of the annexed district, for election of a trustee, shall be made by concurrent action of the county superintendents of each and all such counties.

Portion of
district
admitted.

A portion of a school district may be admitted to an adjacent union or joint union school district by action of the board of supervisors of the county in which such school district is situated, whenever a majority of the heads of families who reside in the district and who have children attending the school as shown by the teacher's register, shall present to said board of supervisors a petition for such annexation, accompanied by a petition for such annexation signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. The board of supervisors shall attach such annexed portion of a school district to a contiguous original school district forming part of the union or joint union district, for voting and other purposes, and such annexed portions shall thereafter be a part of the original district to which it is so attached, and can not subsequently withdraw from the union or joint union district, except as the district to which it is so attached withdraws. Such annexed portion shall have no representation on the board of trustees of the union or joint union school district, except as a part of the district to which it is attached. If such portion of a school district and such union or joint union school district be not wholly situate in the same county, then said petition shall be presented in duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation, and such attachment of annexed portion to one of the original districts, shall be made only by the concurrent action of all such boards of supervisors.

SEC. 11. A new section to be numbered one thousand five hundred ninety-one *a* is hereby added to the Political Code to read as follows:

Withdrawal
from union.

1591*a*. Any school district contained in a union or joint union school district may, in like manner, withdraw from such union or joint union district by action of the board or boards, of supervisors of the county, or counties, in which the union or joint union district is located, upon such terms as may be agreed upon between the trustee of the school district seeking

to withdraw and a majority of the other members of the board of trustees of the union or joint union district, whenever a majority of the heads of families residing in the union or joint union district, including two-thirds of the heads of families who reside in the district wishing to withdraw and who have children attending the school as shown by the teacher's register, shall present to such board or boards of supervisors a petition for such withdrawal, accompanied by a written consent to such withdrawal signed by a majority of the members composing the board of trustees of such union or joint union district.

SEC. 12. A new section to be numbered one thousand five hundred ninety-one *b* is hereby added to the Political Code to read as follows:

1591*b*. If the average daily attendance from any one of the school districts composing a union or joint union school district shall fall to five or less for the entire year, the county superintendent shall report the facts to the board of supervisors under the provisions of this code relating to the lapsing and suspension of school districts, and the board of supervisors shall lapse or suspend the district. Suspension
of district.

SEC. 13. A new section to be numbered one thousand five hundred ninety-one *c* is hereby added to the Political Code to read as follows:

1591*c*. Any union or joint union school district, formed under the provisions of section one thousand five hundred eighty-five, and which shall have been in existence three years or more, may be dissolved in the following manner: A petition signed by two-thirds of the heads of families who reside in the district and who have children who attend the school as shown by the teacher's register or as may be shown by a census of the district ordered by the board of school trustees, shall be presented to the county superintendent of schools of the county in which such district is situated, setting forth briefly the reasons for dissolution and praying that the question may be submitted to the voters in such district. Upon receiving such petition the superintendent shall, within twenty days, call an election in the district, submitting to the voters therein the question of dissolution of such district. If such petitioning district be not wholly situated within the same county, said petition shall be presented in duplicate to the superintendent of each county having territory within such district, and each superintendent so petitioned shall, within twenty days after receiving such petition, call an election in the territory situate within his county and forming part of such district, and appoint three electors resident within such territory to conduct such election therein. Notice of such election, which must be held throughout the district on the same day and during the same hours, shall be given by posting written or printed notice thereof in at least three of the most public places in such district for at least twelve days next before the day set for such election; and if such district be not wholly situated in the same county, said notice shall be posted for said time in three of the Dissolution
of union
district.

Election.

most public places in the portion of the district in each county. Said election shall be conducted in the manner provided by law for conducting school elections. The ballots shall have printed on them the words "for dissolution," and the voters shall write or print thereafter the word "yes" or the word "no." The election officers shall report the result of such election within five days thereafter to the county superintendent of schools of the county of which they are residents. If a majority of all the votes cast at such election be opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If the district in which such election is held be wholly situated in one county, and if two-thirds of all the votes cast at such election be in favor of dissolution, the county superintendent of such county shall forthwith certify the result of such election to the board of supervisors of such county, and such board shall, at its first regular meeting thereafter, make an order declaring such union district dissolved, such order to take effect at the end of the current school year, except as hereinafter provided. If the district in which such election is held be not wholly situated in one county, each of the county superintendents of the counties having territory therein shall immediately certify to the others the result of the election in his own county, and if two-thirds of all the votes cast at such election be in favor of dissolution, all of such county superintendents shall, jointly, forthwith certify the result of such election to the board of supervisors of each of such counties, and said boards, and each of them, shall, at the first regular meeting thereafter, make an order declaring such union or joint union district dissolved, such order to take effect at the end of the current school year, except as hereinafter provided.

When a union or joint union school district has been thus dissolved, the property thereof shall be sold by the board of supervisors of the county in which such property is situated, and the proceeds of such sale, together with any moneys in the treasury to the credit of such dissolved district, shall be apportioned to and placed to the credit of the school districts that composed such dissolved district in proportion to the value of property in each of such school districts, as determined by the last previous assessment therein for school purposes, and the board or boards of supervisors of the county or counties in which such dissolved district is situated shall make such orders, and such transfers from county to county, as may be necessary or proper to effect such apportionment. From and after the time of making of the order or orders hereinbefore provided for, declaring a union or joint union school district dissolved, the original school districts composing the same, with such additional territory as shall have been annexed to them, shall be considered to be in existence again, as separate districts, and subject to the provisions of sections one thousand five hundred ninety-three to one thousand six hundred two of this code, relating to elections of school trustees, the first of such elections in

Two-thirds
vote to
prevail.

Disposition
of property.

Original
districts
revived.

each of such districts to be held as in the case of a newly formed district; but such order or orders shall not affect the continuance of the union or joint union board of trustees, or the maintenance of the union or joint union school, until the end of the current school year, at the expiration of which time such board and school shall cease to exist.

SEC. 14. Section one thousand six hundred seventy-four of ^{Repealed.} the Political Code is hereby repealed.

CHAPTER 310.

An act to amend section eleven of an act entitled "An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the power, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the co-operation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require, declaring what water may be appropriated; declaring that the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such non-applied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title to

water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; defining certain words and terms used in this act; repealing all acts or parts of this act which may not be declared unconstitutional," approved June 16, 1913.

[Approved May 11, 1910. In effect July 22, 1910.]

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

Stats. 1913,
p. 1017.

SECTION 1. Section eleven of the act entitled "An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the powers, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the co-operation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require, declaring what water may be appropriated; declaring that the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such nonapplied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; and providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title

to water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; and defining certain words and terms used in this act; repealing all acts or parts of this act which may not be declared unconstitutional," is hereby amended to read as follows:

Sec. 11. All water or the use of water which has never been appropriated, or which has been heretofore appropriated and which has not been in process, from the date of the initial act of appropriation, of being put, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, or which has not been put, or which has ceased to be put to some useful or beneficial purpose, or which may hereafter be appropriated and ceased to be put, to the useful or beneficial purpose for which it was appropriated, or which in the future may be appropriated and not be, in the process of being put, from the date of the initial act of appropriation, to the useful or beneficial purpose for which it was appropriated, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, is hereby declared to be unappropriated. And all waters flowing in any river, stream, canyon, ravine or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purposes upon, or in so far as such waters are or may be reasonably needed for useful, and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is and are hereby declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act. If any portion of the waters of any stream shall not be put to a useful or beneficial purpose to or upon lands riparian to such stream for any continuous period of ten consecutive years after the passage of this act, such nonapplication shall be deemed to be conclusive presumption that the use of such portions of the waters of such stream is not needed upon said riparian lands for any useful or beneficial purpose; and such portion of the waters of any stream so nonapplied, unless otherwise appropriated for a useful and beneficial purpose is hereby declared to be in the use of the state and subject to appropriation in accordance with the provisions of this act; *provided, however*, that where there is pending any action or proceeding to condemn any lands riparian to any stream or any rights, powers or privileges to use the waters of any stream upon lands riparian to such stream or to condemn rights essential to use the waters of any stream which action or proceeding was commenced prior to the sixteenth day of June,

Water
declared un-
appropriated.

Public
waters.

When action
for condem-
nation is
pending.

Reservoirs
may consti-
tute single
system.

1913, said period of ten consecutive years shall be exclusive of the period of time during which such action or proceeding is pending. In any case where a reservoir or reservoirs have been or shall hereafter under the provisions of this act be constructed or surveyed, laid out and proposed to be constructed for the storage of water for a system, which water is to be used at one or more points under appropriations of water heretofore or hereafter made, which appropriations and rights thereunder are now, or shall hereafter be held and owned by the person or corporation owning such reservoir site or sites and constructing such reservoir or reservoirs, such reservoir or reservoirs and appropriations and rights shall, in the discretion of the state water commission, constitute a single enterprise and unit, and work of constructing such reservoir or reservoirs, or any of them, or work on any one of such appropriations shall, in the discretion of said commission, be sufficient to maintain and preserve all such applications for appropriations and rights thereunder.

CHAPTER 311.

An act to provide for depositing moneys of the Spanish-American war of 1898 account in the state treasury and their method of disbursement.

[Approved May 9, 1919. In effect July 22, 1919.]

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

Deposit of
moneys of
Spanish-
American
war accounts.
Disburse-
ment.

SECTION 1. The state treasurer is authorized to deposit in the state treasury any and all moneys belonging to the Spanish-American War of 1898 account.

SEC. 2. The state controller shall draw warrants against said fund and the state treasurer shall pay said warrants, on vouchers presented and approved by the adjutant general and the governor of the state.

CHAPTER 312.

An act to amend section two of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1600'; providing for the management and control thereof and dissolving all reclamation districts lying wholly within the boundaries of said Reclamation District No. 1600, and providing for the liquidation and winding up of said dissolved districts, and excluding from any reclamation district any land lying within the

boundaries of said Reclamation District No. 1600," approved May 26, 1913, conferring powers and duties upon the trustees of said district and relating to the management and control thereof.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. Section two of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1600'; providing for the management and control thereof and dissolving all reclamation districts lying wholly within the boundaries of said Reclamation District No. 1600, and providing for the liquidation and winding up of said dissolved districts, and excluding from any reclamation district any land lying within the boundaries of said Reclamation District No. 1600," approved May 26, 1913, is hereby amended so as to read as follows:

Stats 1913,
p. 339.

Sec. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code and other laws of the State of California relative to reclamation districts formed under the provisions of said Political Code. The management and control of said Reclamation District No. 1600 shall be vested in three trustees. A. A. Merkley, E. A. Brown and Chas. S. Luce are hereby appointed as trustees of the said reclamation district, to act until their successors are qualified. An election of three trustees shall be held in said district on the third Tuesday in October, 1920, and on the same date every two years thereafter, and the term of office shall be two years, and until their successors are qualified. In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Yolo shall appoint a qualified person as trustee, who shall hold said office for the date of said unexpired term. The office of said district shall be in or near the district, and in such place as the board of trustees thereof may from time to time fix. The board of supervisors of the county of Yolo shall have jurisdiction of all matters concerning said district to the same extent as if said district was formed under the provisions of the said Political Code of the State of California. All funds of said district shall be deposited in the county treasury of said county of Yolo and shall be disbursed by the treasurer of said county in payment of the warrants of said district.

Management
and control
of Reclamation
District
No. 1600.

Office.

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

Repealed.

CHAPTER 313.

An act to amend section twelve of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907.

[Approved May 10, 1919. In effect July 22, 1919.]

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

Stats. 1915, p. 1397.

SECTION 1. Section twelve of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, is hereby amended to read as follows:

Bonds to be issued in road districts.

Sec. 12. Upon the expiration of twenty days from the making of the final order mentioned in section eleven of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. Said bonds, when issued, shall be dated as of the day when said final order of the board of supervisors was made. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form and shall in substance be as indicated following, to wit:

ROAD DISTRICT IMPROVEMENT BOND.

County of _____, State of California.

Road Improvement District No. _____

\$_____ Bond No. _____

Road district improvement bond.

Under and by virtue of an act of the legislature of the State of California, known as the "road district improvement act of 1907" (here may be inserted a further designation of the act,

Road district improvement bond.

if desired) the county of _____ State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county, on the _____ day of _____, 19____, the sum of _____ dollars in gold coin of the United States of America, with interest thereon, in like gold coin at the rate of _____ per cent per annum, payable semiannually on the second day of January and the second day of July of each year from the date hereof (except the last installment thereof, which shall be payable at maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity to the provisions of the above mentioned "road district improvement act of 1907" and the amendments thereof, and is one of a series of bonds of like date and effect numbered from one to _____, consecutively, amounting in the aggregate to _____ dollars, issued in behalf of road improvement district number _____ of said county, which constitute the only indebtedness of said district. It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of road district improvement fund number _____ exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise; but in accordance with said act the board of supervisors of said county will annually, at the time of levying other taxes, levy upon all the land in said road improvement district a special assessment tax in an amount clearly sufficient to pay the principal and interest of said bonds as the same shall become payable.

In witness whereof said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed and said interest coupons to be signed by the said treasurer this _____ day of _____, 19____.

Chairman of the board of supervisors of the county of _____

[Seal of board of supervisors.]

Countersigned: _____

Treasurer of the county of _____

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto

Signatures on Bonds.

affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to said bonds shall be in such form as the said treasurer may determine, subject to the provisions of this act and the determination made by the board of supervisors, and their signature by said treasurer alone, by either written or lithographed or printed facsimile signature, shall be sufficient. Said bonds shall be delivered by the said treasurer to said contractor or to his order, assignee, or lawful representative.

Life of
bonds.

Interest.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest, not to exceed seven per cent per annum, to be paid thereon, and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work, in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year, which part shall be the same for each of the years covered by the bond issued.

Interest
payments.

The interest payments on said bonds shall be payable semi-annually on the second days of January and July of each year (except the last installment, which shall be payable at maturity of the bonds) in the manner indicated in said form of bond, and the interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

CHAPTER 314.

An act to amend section six hundred twenty-eight f of the Penal Code of the State of California, relating to the protection of fish and game.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

Protection
of abalone.

628f. Every person who, between the first day of February and the last day of February of the same year, both dates inclusive, takes, catches, kills, or has in his possession any red abalone (*Halotis rufescens*), or who, between the first day of February and the thirtieth day of April of the same year,

both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any black abalone (*Haliotis crackerodie*), or any green abalone (*Haliotis fulgens*) is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*) the shell of which is less than seven inches in greatest diameter, or any green abalone (*Haliotis fulgens*) the shell of which is less than six and one-half inches in greatest diameter, or any pink abalone (*Haliotis corrugata*) the shell of which is less than six inches in greatest diameter, or any black abalone (*Haliotis crackerodie*) the shell of which is less than five inches in greatest diameter, or who by any means whatsoever, takes, or catches any abalone (*Haliotis*) and does not bring the same naturally attached to the shell and alive, to the shore above high water mark, or who takes, catches or kills any abalone (*Haliotis*) for other than food purposes, or who, at any time, dries any abalones (*Haliotis*), or who offers for shipment, or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat or abalone shells, excepting articles manufactured from abalone shells; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor. Every person who, in fish and game districts seventeen, nineteen and twenty of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who, in fish and game districts four or nineteen, takes, catches or kills or has in possession during any one calendar day more than ten abalone (*Haliotis*); or who, in fish and game district seventeen takes, catches, kills or has in possession more than twenty abalone in any one calendar week shall be guilty of a misdemeanor.

Protection
abalone.

None of the provisions of this act shall apply to abalone or clams caught or taken without the waters of this state and bearing after inspection such evidence of having been so caught or taken as may be hereinafter prescribed by the fish and game commission; and, be it provided, that the expense of such inspection shall be borne by the importer of such abalone (*Haliotis*).

Imported
abalone.

Every person who gathers or takes in any manner or destroys or has in his possession any clam known as the Pismo clam (*Tivola stultorum*) which shall measure less than four and three-quarters inches across its shell in the greatest breadth, or who, during any one calendar day, takes, gathers in any manner or has in his possession more than thirty-six of said clams, or who, between the first day of May and the thirty-first day of August, both dates inclusive, of any year, takes, catches or gathers any clams in fish and game district seventeen is guilty of a misdemeanor.

Clams.

Every person who takes, gathers in any manner or has in his possession, or who ships, offers for shipment, sells or offers

Protection
of clams.

for sale any cockles or little-neck clams (*Tapes staminea*) measuring less than one and one-half inches in its greatest breadth; every person who takes, catches or gathers in any manner any razor clam (*Siliqua patula*), except during a period of forty-eight hours beginning at the first low tide after the first high tide (large water) of the full moon of each month and for a period of forty-eight hours beginning at the first mean low tide after the first high tide (large water) of the new moon of each month, or who takes, catches or gathers in any way more than fifty of said razor clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Every person who during any one calendar day takes, gathers in any manner, or has in his possession, or who ships, offers for shipment, sells or offers for sale, more than ten clams of the species *Schizothærus nuttallii*, variously known as rubber-neck, big-neck or great Washington clam, is guilty of a misdemeanor.

Every person who takes, catches or kills or has in possession any clam or clams taken from fish and game districts eight or nine, between the first day of May and the thirty-first day of August of any year, both dates inclusive; or who at any time ships or offers for shipment or receives for shipment or transportation, to any place outside the limits of fish and game district one, any clam or clams of any species taken in fish and game districts seven, eight or nine, is guilty of a misdemeanor.

Penalty.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 315.

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

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

Protection
of deer.

626f. Every person who, between the fifteenth day of October and the fourteenth day of August, inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his

possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer or any deer meat, is guilty of a misdemeanor, except as hereinafter provided; *provided*, that every person in game districts two, three and three and one-half of the State of California, who, between the fifteenth day of September and the thirty-first day of July, inclusive, of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat is guilty of a misdemeanor; *provided, further*, that every person in game district four of the State of California, who, between the sixteenth day of September and the fourteenth day of August, inclusive, of the year following, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor; *provided, further*, that domesticated reindeer may be imported and sold, subject to such regulations as may be required by the fish and game commission.

CHAPTER 316.

An act to amend section five of an act entitled "An act to further divide the state into fish and game districts by establishing a district specially suited for the propagation of game and to provide for the management and protection thereof," approved May 26, 1917.

[Approved May 13, 1919. In effect July 22, 1919.]

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

SECTION 1. Section five of an act entitled "An act to amend an act to further divide the state into fish and game districts by establishing a district specially suited for the propagation of game and to provide for the management and protection thereof," approved May 26, 1917, is hereby amended to read as follows:

Sec. 5. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one hundred fifty days, or by both such fine and imprisonment.

CHAPTER 317.

An act to authorize the state board of fish and game commissioners to prepare and maintain free camping grounds on land in Placer county belonging to the State of California and to adopt and enforce regulations pertaining thereto.

[Approved May 13, 1919. In effect July 22, 1919.]

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

Free
camping
grounds
in Placer
county.

SECTION 1. The state board of fish and game commissioners is hereby authorized and directed to prepare as a free camping ground for the people of the State of California that certain property situated in the county of Placer, State of California, and bounded and described as follows, to wit:

Lot seven of Bittencourt tract, as per plat of said tract recorded in book "A" of field notes or town plats, pages eighty-four and eighty-five, Placer county records.

The said commission is directed to prepare such portion of said land for camping purposes for the summer season of the year nineteen hundred nineteen, as shall be suitable for such purposes, and as shall not interfere with the state fish hatchery now on said land or the pollution of waters used to supply said hatchery.

Rules and
regulations.

The commission is hereby authorized to establish rules and regulations for the government of such camping ground, to the end that the greatest number of people can avail themselves of the privileges of the ground, and may regulate the time when and for which any person may have the use of any portion of such ground for camping purposes. All expense in maintaining said camping ground shall be paid from the state fish and game preservation fund, and for the purposes of enforcing the rules and regulations by said commission, pursuant to this act, the state fish and game commissioners, their deputies and employees, are hereby vested with the power and authority of peace officers.

Removal
of hatchery.

As soon as practicable, the fish and game commission shall remove the hatchery now on the above described land to another site, and thereafter such additional portion of such land as is available and suitable for camping purposes, shall be placed in condition for camping purposes.

CHAPTER 318.

An act to amend section one hundred forty-two of the Code of Civil Procedure, respecting places of holding courts.

[Approved May 13, 1919. In effect July 22, 1919.]

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

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

142. The judge or judges authorized to hold or preside at a court appointed to be held at a particular place in a city and county, county, city, or town, may, by an order filed with the city and county or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, city, or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, city, or town, for holding the court; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the city and county, county, city or town, not less than one hundred twenty miles distant from the county seat.

Changes in place of holding court.

CHAPTER 319.

An act to amend section four thousand twenty-two of the Political Code, relating to official bonds of county and township officers.

[Approved May 10, 1919. In effect July 22, 1919.]

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

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

4022. The board of supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace, and constable. The judge or judges of the superior court shall, on or before the said first Monday of September prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his

Official bonds of county officers.

Official bonds
of county
officers.

office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge or majority of judges, if there be more than one, of the superior court; *provided, however*, that in counties having five or more judges, the approval of three judges will be sufficient. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as provided in this section.

CHAPTER 320.

An act to amend section sixteen of an act entitled "An act concerning trespassing of animals upon private lands in certain counties in the State of California," approved March 7, 1878, as amended.

[Approved May 11, 1919. In effect July 22, 1919.]

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

Stats.
1877-78,
p. 878.

SECTION 1. Section sixteen of the act entitled, "An act concerning trespassing of animals upon private lands in certain counties in the State of California," approved March 7, 1878, as amended, is hereby amended to read as follows:

Trespassing
of animals
upon private
lands in
certain
counties.

Sec. 16. This act shall apply to all of that part of the county of San Bernardino, not embraced within the boundaries of the Angeles national forest, and lying south of a line drawn due east and west from the Colorado river to the western boundary line of said county, on the township line between townships two and three north, of San Bernardino base line, and shall also apply to Alpine county, and to all that portion of Salmon Falls township, in El Dorado county, lying south of the south fork of the American river, and to the counties of Colusa, and to that portion of Tehama county lying west of the Sacramento river and south of Red Bank creek, and to the counties of Humboldt, Merced, Solano, Santa Barbara, San Joaquin, San Luis Obispo, Sacramento and Los Angeles, and also to the townships of White Oak and Mud Springs, in the county of El Dorado.

CHAPTER 321.

An act to amend sections one, four and five of an act entitled "An act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, watercourse, 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, 1909, as amended, and to add a new section thereto to be numbered sixteen a, relating to assessments and contracts.

[Approved May 10, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of the act entitled "An act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, watercourse, 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, 1909, as amended, is hereby amended to read 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 district from damage by storm water, dams, ditches, dikes and other structures, and by spreading, conserving, storing, retaining or causing to percolate into the soil any or all waters of any innavigable stream, watercourse, canyon or wash. Said storm water districts may include within their exterior boundaries land which lies within incorporated territory with land which lies in unincorporated territory, or said districts may be formed from land lying wholly within or wholly without incorporated territory. When twenty-five per cent 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, watercourse, 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 or organize

Stats. 1917,
p. 215.

Storm water
districts
formed.

Petition of
land owners.

Resolution
of intention.

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, 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 the notice of the intention of the board of supervisors to form such storm water district and of the time and place fixed for the hearing, and shall designate some newspaper of general circulation published and circulated in said proposed storm water district, or if there is no newspaper so published and circulated, then some newspaper of general circulation published and circulated in each county in which any part of said proposed district is situated in which said notice is to be published.

Hearing.

Notice.

Stats. 1917,
p. 216.

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

Hearing.

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 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. Said storm water district may be organized and incorporated and managed as herein expressly provided, and may exercise the powers herein expressly granted or necessarily implied. The county clerk shall immediately cause to be filed with the secretary of state a certified copy of such order of the board of supervisors, and from and after the date of the filing of such certified copy, the district named therein shall be deemed incorporated as a storm water district with all the rights, privileges and powers set forth in this act, and necessarily incident thereto.

Declaration
of super-
visors.Stats. 1909,
p. 340.

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

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; *provided, however*, that when unincorporated territory is included with incorporated territory in said district, at least one of

said trustees shall be an eligible freeholder of the unincorporated territory, if such there be residing in said district, 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. 4. A new section is hereby added to said act to be numbered sixteen *a* and to read as follows:

Sec. 16a. When the board of trustees orders that the sum to be assessed shall be raised by annual installments as provided in section sixteen of the act, said board shall have the power to provide that all installments after the first installment shall bear interest at the rate of not to exceed seven per cent per annum until paid, said interest to be collected in the same manner as the principal and together with the principal be a lien against the property assessed. Assessments raised by installments.

Said board of trustees when the assessments are to be paid by annual installment shall have the power to enter into contracts for said work providing for payments on said contracts in annual installments, not exceeding ten, and not exceeding the amount to be raised by the annual assessment installment provided for in section sixteen *a* of this act. Interest not to exceed seven per cent per annum may be paid on deferred contract installments. Said contract installments together with interest shall be a lien on the funds raised by annual assessments.

CHAPTER 322.

An act to provide for local improvements in or upon streets, avenues, lanes, alleys, courts, places, public ways, property, or rights of way within or belonging to municipalities, and providing for the issuance and payment of bonds to represent assessments levied for such improvements.

[Approved May 16, 1919. In effect July 22, 1919.]

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

SECTION 1. All streets, avenues, lanes, alleys, places, or courts in the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and be held to be open public streets, lanes, alleys, places, or courts, for the purpose of this act; and the city council of any municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of Municipality empowered to do work on streets, etc.

the work mentioned in section two of this act, under the proceedings hereinafter described.

Definition.

The word "street," as used in this act, shall be deemed, and is hereby declared, to include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, which have been dedicated and accepted according to law or in common and undisputed use by the public for a period of not less than five years next preceding; and the term "main street" means such actually opened street or streets as bound a block; and the word "blocks," whether regular or irregular, means such blocks as are bounded by main streets, or partially by a boundary line of the city.

Work which may be ordered done.

SEC. 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion or portions, either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places, public ways, property, or rights of way, 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; and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters; curbs, steps, parkings and parkways; sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, and other appurtenances: pipes, hydrants and appliances for fire protection, or for the service of water for domestic or sanitary uses; viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material; tunnels or subterranean avenues for public travel; poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways; the planting of trees thereon, and any work which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places, or public ways or property or rights of way, of such city.

Different kinds of work in one proceeding.

The city council may include in one proceeding and order, any of the different kinds of work mentioned in this act, and may include such work on any number of streets, property and rights of way, or any portion thereof, contiguous or otherwise, in one proceeding or one contract, or both, and may except therefrom any of said work already done to the official grade, and which may be in good condition and repair.

"City council."

The term "city council" is hereby declared to include any body or board, which, under the law, is the legislative department of the government of any city.

Resolution.

SEC. 3. Before ordering any work done or improvement made, which is authorized by section two of this act, the city council shall pass a resolution referring the proposed work to the city engineer, if there be one, and, if not, to some civil engineer employed by them for the purpose and named in the

resolution, instructing him to make them a report in writing containing his recommendations as to the best method of doing said work or making said improvement, together with the following:

(a) A statement of the nature of the proposed work or improvement, with plans and specifications therefor; Report of engineer.

(b) A description of the district or districts which, in his opinion, would be benefited by the proposed work or improvement and should be assessed to pay the cost thereof, excepting and excluding therefrom any lot or portions of said district or districts which would not be benefited by the proposed work. Said district or districts, may be described by the exterior boundaries thereof or by giving the numbers of the lots and blocks, according to the official or recorded map or maps, or by any other method which will clearly indicate the lots and lands intended to be included therein;

(c) An estimate of the cost of said improvement;

(d) The assessed value of all the real property included within said district or districts and proposed to be assessed for the work, exclusive of buildings or other improvements, according to the last equalized assessment roll used for purposes of taxation by said city;

(e) A plat showing said district or districts and the subdivisions of property therein, as shown by the last equalized assessment roll.

The engineer may submit a number of districts, which, according to his estimate, would be benefited in different degrees by the proposed improvement, in which case he shall specify the proportion of benefit which each district would receive.

SEC. 4. Upon receipt of the report from the engineer, the city council shall consider and act upon the same, and may adopt the report as submitted or as they may modify the same. Adoption of report.

After adoption, the city council shall pass a resolution of intention, briefly describing the proposed work or improvement, referring to the plans and specifications therefor, and briefly describing the district or districts which would be benefited by and assessed for the proposed work or improvement, and the proportion of benefit said district or districts would derive therefrom. The resolution shall contain a declaration to the effect that serial bonds, bearing interest at a rate therein to be determined, but not to exceed six per cent per annum, will be issued to represent the unpaid assessments. The resolution shall also contain a notice of the day, hour, and place, when and where any persons having any objections to the proposed work or improvement may appear before the city council and show cause, if any they have, why the proposed work or improvement should not be carried out in accordance with said resolution, which time shall not be less than fifteen nor more than forty days from the day of the passage of said resolution. Resolution of intention.

Where cost paid in part by municipality.

The city council may, in its discretion, order, that any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in the resolution of intention.

Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots and lands liable to be assessed for such work, and in the manner hereinafter provided.

Property omitted from assessment.

Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall be included within the district or districts declared by the city council in its resolution of intention to be the district or districts to be assessed to pay the cost and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the cost and expenses of said work or improvement, in which case the total cost and expenses shall be assessed on the remaining lots and lands in the assessment district or districts; *provided*, that such part of the cost and expenses may be paid out of the municipal treasury as hereinbefore provided.

Grade established.

SEC. 5. The council may, in the resolution of intention, by reference to the plans and specifications or otherwise, fix and establish the grade at which the work is to be done, which grade so fixed and established may be either the first establishment of such grade or the changing of an existing official grade.

In such case the plans adopted for the proposed work shall show the existing official grade, if any, and the grade at which the proposed work is to be done.

In the event the proposed work is to be done at a grade other than an existing official grade, the resolution of intention and the notices of improvement shall recite the fact and refer to the plans and specifications for further particulars as to such proposed grade.

Objections to grade.

Any property owner whose property is to be assessed to pay the costs and expenses of the proposed improvement, may at the time fixed in the resolution of intention for the hearing of objections to the proposed work or improvement, appear before the city council and make objections to the grade so established or changed in said resolution of intention.

Failure to make such objections shall be deemed to be a waiver of all objections to such grade, and shall operate as a waiver of all claims for damages and shall constitute a bar to any subsequent action looking either to the prevention of the work or the recovery of damages or compensation on account of the performance of the work to such grade.

SEC. 6. The city clerk shall cause said resolution of intention to be published twice in one or more daily or weekly newspapers published and circulated within said city. The street superintendent shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution, briefly describing the district or districts to be benefited and assessed, and containing an announcement that serial bonds, bearing interest at a rate not to exceed six per cent per annum, will be issued to represent the unpaid assessments. Said notices shall be headed "notice of improvement," in letters of not less than one inch in length; and shall, in legible characters, state the fact of the passage of the resolution of intention, its date, and briefly, the work or improvement proposed, and shall refer to the resolution of intention for further particulars. Said notices shall also contain a notice of the day, hour, and place fixed for hearing objections as above mentioned.

Publication
and posting
of resolution
of intention.

SEC. 7. The city clerk shall, immediately upon the passage of said resolution of intention, mail, postage prepaid, to each property owner whose property is to be assessed to pay the cost and expenses of said work and improvement, at his last known address as the same appears upon the tax rolls of said city, or when no address so appears, to the general delivery of the United States post office in said city, a postal card containing a notice which shall be in substantially the following form (filling blanks):

Notice to
property
owners.

"You are hereby notified that on the _____ day of _____ the city council of the city of _____, California, passed a resolution of intention providing for the improvement of _____ street between _____ street and _____ street. You are hereby referred to the said resolution for further particulars. Property belonging to you is to be assessed for this improvement.

_____ City clerk."

If any lots or parcels of land in the assessment district or districts be assessed to "unknown owners" on the tax rolls of said city, no postal cards containing such notice need be mailed to the owners thereof. The city clerk shall, upon the completion of the mailing of said postal cards, file in his office an affidavit setting forth the time and manner of the compliance with this requirement; *provided*, that the failure of the city clerk to mail said cards, or the failure of the property owners to receive the same shall in nowise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the work.

Bids.

SEC. 8. The city council shall cause notice of said work inviting sealed proposals or bids for doing the work and referring to the plans and specifications on file, to be published twice in a daily or weekly newspaper, published and circulated in said city, and provide that the same will be received and opened on the same day, hour, and place fixed for hearing objections as aforementioned. All proposals or bids offered shall be accompanied by a check payable to 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.

Objections
against
work.

SEC. 9. At any time not later than the hour set for receiving proposals and hearing objections to the proposed work or improvement, any owner of property liable to be assessed for said work or improvement may make written protests or objections against the work or improvement or against the district or districts, to be assessed, or both, or make any objection of any character to said work. Said objections or protests must be delivered to the clerk of the city council prior to the hour set for the hearing, and no other protests or objections shall be considered by said council.

Opening
of bids.Hearing of
objections.

At the time fixed for said hearing and the opening of bids as aforementioned, the city council shall first cause all the bids received to be publicly opened and publicly declared, after which the same shall be temporarily laid upon the table while the council proceeds to hear and consider objections, if any there be. The council may continue the hearing from time to time and postpone final consideration of the proposals or bids submitted. The decision of the council on all protests or objections shall be final and conclusive; *provided*, that where the council finds that the objections or protests filed have been made by a majority of the property owners of the district, or of all the districts if there be more than one district, and that they are also the owners of more than one-half of the area of the property within the district or districts to be assessed for the proposed work or improvement, no further proceedings shall be taken for a period of six months from the date of the finding of the council as to the sufficiency of the protest.

If no protests or objections in writing have been delivered to the clerk up to the hour set for the hearing, or if protests have been heard and overruled, thereupon the city council shall be deemed to have acquired jurisdiction to order the work and award the contract.

Nothing herein contained shall be deemed to prevent the council from sustaining any objection filed, or to abandon the proceedings for the work or improvement prior to the awarding of the contract.

Award of
contract.

SEC. 10. The city council may reject any and all proposals or bids should it deem this for the public good, and also 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 or improvement to the lowest responsible bidder on the plans and specifications selected at the prices named in his bid. No contract shall be awarded on any proceeding, if more than one year has elapsed since the passage of the resolution of intention for such proceeding, but in such case a new proceeding will have to be instituted. If the bids are rejected or no bids received, the city council may within six months thereafter readvertise for and receive proposals or bids for the performance of the work as in the first instance, without further proceedings. The checks accompanying the accepted proposals or bids shall be held by the city clerk until the contract for doing said work has been entered into, but if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned shall be forfeited to said city and shall be collected by it and paid into the general fund.

SEC. 11. If the original bidder neglects, fails or refuses to enter into the contract within fifteen days after the same has been awarded to him, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the lowest regular responsible bidder. Should no bids be received in response to this second call, the council may again advertise for and receive bids under the same proceedings, at any time within six months from the time set for the last reception of bids, and let the contract to the then lowest bidder, and such delay shall in no way affect the validity of any of the proceedings, unless such delay is contrary to the provisions of section ten hereof.

Failure of bidder to enter into contract.

SEC. 12. All contractors shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties, payable to such city, in a sum equal to twenty-five per cent of the contract price, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, must advance to the superintendent of streets, for payment by him, all incidental expenses already incurred by the city for said work or improvements. In case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

Bond of contractor.

The term "incidental expenses" as used in this act, shall include the compensation of the city engineer, or street superintendent, for work done by him; also, the cost of printing, advertising, posting and mailing, legal expenses incurred and

"Incidental expenses."

the compensation of the person appointed by the superintendent of streets to take charge of and superintend or inspect any of the work. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Bond of contractor to protect persons furnishing materials or labor.

SEC. 13. Every contractor, person, company, or corporation to whom is awarded any contract under this act, shall, before executing said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, or other chief executive, in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and said bond shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work or improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work or improvement, or for any work or labor done thereon of any kind, then the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any materialman, person, company, or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company or corporation, to whom the said contract was awarded, may, within sixty days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid, whereupon the amount of said claim shall be withheld from payment for a period of ninety days or until settled. Within ninety days after the filing of such claim, the person, company, or corporation, filing the same or their assigns must commence an action on said bond for the recovery of the amount due thereon.

Power of superintendent of streets.

SEC. 14. 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, either express or implied, that pertains to the street department under this act.

Said contract shall contain an express notice that, in no case, except where it is otherwise provided by law or the city charter will the city or any officer thereof be liable for any portion of the expense or for any delinquency of persons or property assessed.

Time in which work must be done.

The superintendent of streets shall fix the time for the commencement of the work, which shall not be more than fifteen days from the date of the contract, and for the completion thereof; and the work shall be prosecuted with diligence from day to day thereafter to completion. He may extend the time

so fixed from time to time, under the direction of the city council. All applications for such extensions must be in writing and be filed in his office before the expiration of the original time fixed in the contract, or of the time theretofore granted by extension, as the case may be. The work must be done in accordance with the plans and specifications and under the direction and to the satisfaction of the street superintendent; *provided, however*, the city council may, by resolution provide that the work shall be done under the supervision and to the satisfaction of the city engineer instead of the street superintendent.

Nothing herein contained, will be deemed to prohibit the city council from making payments to the contractor from time to time as the work progresses.

Payments during work.

SEC. 15. After the contractor has fulfilled his contract to the satisfaction of the street superintendent or city engineer, as the case may be, such officer shall make an assessment on the lots and lands within the district or districts to cover the sum due for the work performed and specified in the contract, including all incidental expenses, excluding therefrom any lot or portion of said district or districts which have heretofore been declared not to be benefited by the work or improvement, which assessments shall be in proportion to the assessed value of all the real property in the district or districts liable to assessment therefor, exclusive of improvements, in the proportional amount of benefit which each district will derive from the proposed work, as provided in section three hereof. Such assessment shall be filed by the street superintendent with the tax collector of said city.

Assessment of property.

Upon satisfactory completion of the work, the street superintendent or city engineer, as the case may be, shall cause a notice of such completion to be published twice in a daily or weekly newspaper published and circulated in said city, notifying all owners of real property within the said district or districts that assessments to pay for the cost of said work and improvement will be due and payable at the office of the tax collector within thirty days from the date of the first publication of said notice, and that unless said assessments are paid on or before said date, (stating the time), serial bonds will be issued to represent such unpaid assessments, as aforesaid in section four hereof.

Notice that payments are due.

SEC. 16. Any action to contest the validity of an assessment levied under the provisions of this act, or of any proceeding of the city council, or any act of any municipal officer under the provisions of this act, must be commenced within sixty days after the adoption by the city council of the resolution awarding the contract, or within sixty days after the commission or omission of the act complained of, as the case may be; and any appeal taken from a final judgment in such action shall be perfected within sixty days after the entry thereof.

Action to contest validity of assessment.

Notice of
unpaid
assessments.

SEC. 17. After the full expiration of thirty days from the date of the first publication of the notice mentioned in section fifteen hereof, the tax collector shall make and file with the clerk of the city council a complete list of all assessments unpaid, together with an identifying number of each lot and block, according to the engineer's plat, and the assessed value thereof. The city council shall then cause bonds to be issued for the amount of the aggregate of the unpaid assessments.

Bonds.

Identifying
number for
proceeding.

For the purposes of identification and recordation each proceeding taken under this act shall be given a different identifying number, and the property assessed therefor shall be known as "local improvement district number ----", specifying the number thereof. The city council shall prescribe the denominations of said bonds, which shall be in convenient amounts not necessarily equal. Said bonds shall be dated the thirty-first day after the first publication of said notice aforementioned.

The city council shall prescribe the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable in the following manner:

Manner of
payment.

A part, to be determined by the city council, which shall not be less than one-twentieth part of the whole amount of such indebtedness, shall be payable each and every year, on a day and date, and at a place to be fixed by said council and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid.

Denomi-
nation.

The bonds shall be issued in such denomination as said council may determine, except that no bond shall be of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum per annum, and shall be paid semiannually; said bonds shall be signed by the chief executive of the municipality, or by such other officer thereof as the city council shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the city clerk. The interest coupons on said bonds shall be numbered consecutively, and signed by the treasurer of such municipality or by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

Interest.

SEC. 18. Said bonds shall be conclusive evidence of the validity of all proceedings leading up to their issuance.

They shall be substantially in the following form:

\$-----

No.----- Form of bond.

IMPROVEMENT BOND.

City (or town) of -----

Under and by virtue of the act of the legislature of the State of California, known as the local improvement act of 1919, the ----- of ----- of said state, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of said ----- on the ----- day of -----, 19-----, ----- dollars, in gold coin of the United States of America, with interest thereon in like gold coin, at the rate of ----- per cent per annum, payable semiannually on the ----- day of ----- and ----- of each year from the date hereof, upon presentation and surrender of the proper interest coupons hereto attached, as they respectively become due.

This bond is issued pursuant to the constitution and statutes of the State of California, and to the ordinances, resolutions, and proceedings of said ----- duly adopted and taken. It is one of a series of bonds of like date and effect issued in behalf of improvement district number -----, of said -----, and is payable out of the redemption fund provided for said improvement district, exclusively.

It is hereby certified, recited and declared that all the acts, conditions and things required by law to exist, happen and be performed precedent to and in the issuance of this bond have existed, happened and been performed in time, form and manner as required by law, and that provision has been made as required by the provisions of said act for the collection of an assessment to pay the interest on this bond as it falls due and also provisions to constitute a sinking fund for the payment of the principal of this bond on or before maturity.

In witness whereof, said ----- of ----- has caused this bond to be executed under its corporate seal, signed by its chief executive and treasurer, and countersigned by its clerk and has caused the interest coupons hereto attached to be signed by the engraved or lithographed signature of its treasurer, and this bond to be dated the ----- day of -----, 19-----.

Countersigned. -----

Clerk of the ----- of ----- Mayor (or other title)

Treasurer of the ----- of -----

Sec. 19. Said bonds may be surrendered by the holder to the treasurer for registration in accordance with the provisions of any law applicable to the registration of the municipal bonds of the city, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

Registration of bonds.

Sale of
bonds.

SEC. 20. The city council may issue and sell the bonds, of such district, authorized as hereinabove provided, at not less than par value, and all the proceeds of the sale of such bonds shall be placed in the treasury of such municipality to the credit of the proper district fund and shall be applied exclusively to the work or improvement for which the contract was awarded.

If all bids for said bonds are rejected or if no bids are received, the council shall authorize the city treasurer to deliver said bonds to the contractor, in which case such delivery shall constitute full satisfaction of the sum due him on said contract.

Assessment
to pay
principal and
interest.

The city council shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, exclusive, however, of any assessments on improvements, levy and collect an assessment each year on the property in such district or districts sufficient to pay the interest on such bonds for that year, and such portion of the principal thereof as will become due before the time for making the next general tax levy; each annual assessment for the payment of the interest and principal shall be based on the assessed value of each respective parcel or lot, at the time the work or improvement was ordered, and in the degree of benefits received, as shown on the assessment list hereinbefore mentioned. Said assessments when levied and collected shall be paid into the treasury of said city and be used for the payment of the principal and interest of such bonds and for no other purpose.

Delinquent
assessments.

SEC. 21. The said assessments shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties after delinquency as the general municipal taxes on real property. Upon default in payment, the lands securing such assessments shall be sold in the same manner in which real property in such city is sold, for the nonpayment of general municipal taxes, and be subject to redemption in the same manner as such real property is redeemed from such delinquent sale, and upon failure or redemption shall in like manner pass to the purchaser. The city may be the purchaser at any delinquent sale in like manner in which it becomes or may become the purchaser of property sold for nonpayment of the general municipal property tax, and in the event of its so becoming the purchaser shall pay and transfer into said redemption fund the amount of the delinquent assessments. In cases where the municipal property tax is collected by the county or city and county officials, and sales for nonpayment of such taxes are made to the state, the state shall be the purchaser at any such sale, but shall hold the title acquired at such sale upon behalf of the city and shall account to the city for any moneys received upon redemption or from the sale of such property, the city for such purposes of this act being deemed the real purchaser. In other cases where under the law, the city is not always the purchaser at sales for delinquent municipal taxes, the city shall become such purchaser at any delinquent sale hereunder where there is no such purchaser; *provided*, that

Sale of
property.

the city council may, in its discretion, order certain lots or lands not to be sold, and order and direct the city attorney to commence an action in the name of the city against the owner or owners of such lots or lands so delinquent, to recover the amount of such delinquent tax, together with the interest thereon, and for costs of suit and a penalty of twenty-five per cent on the amount of such delinquent assessment.

Action to collect delinquent tax.

All the owners of property delinquent as aforesaid may be joined as defendants in one action; *provided, however*, the complaint in such case shall set forth the amount due on each lot or parcel of land separately assessed, together with the name of the owner or owners thereof.

SEC. 22. The city council may, at the time of fixing the annual tax rate and levying the taxes to be collected for general municipal purposes, levy a special tax upon the taxable property in the city for the purpose of paying for the lands purchased or to be purchased at such tax sales, but not to exceed ten cents on each one hundred dollars of assessable property. Such special tax shall be in addition to all other taxes levied for municipal purposes, and shall be computed, entered and collected in the same manner, and by the same persons, and at the same time and with the like penalties as other municipal taxes of said city. In the event of a surplus remaining in the redemption fund after payment of all said bonds and the interest thereon, the same shall first be applied to repayment to said city of any special taxes so levied, less its recovery on the lands purchased at delinquent sale, and also of any costs incurred by it hereunder.

Special tax to pay for lands purchased.

SEC. 23. In the event of sale by the tax collector of any lot or parcel of land for nonpayment of any assessment thereon levied pursuant to the provisions of this act, then any certificate of such sale and deed issued pursuant thereto, shall be prima facie evidence of the regularity of all proceedings theretofore had, and such deed shall constitute a conveyance to the grantee of the absolute title to the lots or lands described therein, free of all incumbrances, except the lien for other state, county and municipal taxes.

Deed for land sold.

SEC. 24. After bonds have been issued as herein provided, any interested property owner may release his property and pay up the unpaid assessment against the same by depositing with the city treasurer the total unpaid balance of his assessment due, together with the total amount of the interest which would become due semiannually on his proportion of the assessment, in which case the treasurer shall deposit such payments into the fund provided for the redemption of said bonds, and the city clerk shall record the release of such property on the records of his office.

Payment of unpaid assessment.

SEC. 25. The person owing the fee, or the person in whom, on the day the proceeding or action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office, or the person in possession of the

"Owner."

land, lots, or portions of lots or building under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian, of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this act), according to the intent and meaning of that word as used in this act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Title. **Sec. 26.** This act shall be known and may be referred to as the "local improvement act of 1919." It shall in nowise affect any other existing acts relating to street work or local improvements within municipalities, but is intended to and does provide an alternate system of proceedings for public improvements, and it shall be discretionary with the legislative body of any municipality to proceed in making such improvement either under the provisions of this act or under the provisions of other said acts.

Alternate system.

CHAPTER 323.

An act to amend section six hundred eighteen of the Political Code, relating to the deposit of securities by companies.

[Approved May 15, 1919. In effect July 22, 1919.]

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

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

When laws of other states require trust deposit from insurance companies.

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

Duty of insurance commissioner.

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 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. If the deposit is of notes or bonds secured by mortgages, or trust deeds, covering property which has been brought under the operation of the land title law, commonly called the Torrens title law, it shall be accompanied by a certificate of a registrar of titles as to the condition of the title to the lands covered.

Deposit of mortgages.

Stocks or bonds.

CHAPTER 324.

An act to validate bonds of Palo Verde joint levee district of Riverside and Imperial counties, California, and all proceedings relating thereto.

[Approved May 16, 1919. In effect July 22, 1919.]

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

SECTION 1. Bonds in the amount of one million two hundred eighty-five thousand nine hundred fifty-one and eighty-six hundredths dollars of the Palo Verde Joint Levee District of Riverside and Imperial counties, California, and all the acts and proceedings of said district and of the board of trustees thereof and of the board of supervisors of Riverside county, California, and of the officers of said county leading up to and including the authorizing of said bonds and also the issuance of two hundred fifty-six thousand dollars of said bonds already sold are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and said bonds in the amount of two hundred fifty-six thousand dollars already sold, and the remainder of said bonds when issued and sold, shall be, and are hereby, declared to be legal and valid obligations of

Bonds of Palo Verde joint levee district validated.

said district, and the faith and credit of said district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, and said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings leading up thereto.

CHAPTER 325.

An act creating a department of agriculture, providing for its organization and declaring its functions; transferring to said department the powers and duties of various state agencies and the unexpended balances of their appropriations and funds; prohibiting certain acts, and prescribing penalties for violation of the provisions hereof.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Department
of agricul-
ture created.

SECTION 1. A department of the government of the State of California to be known as the department of agriculture is hereby created. The department shall be conducted under the control of an executive officer to be known as director of agriculture, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of five thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. He shall maintain his office at Sacramento, and shall adopt and keep an official seal. He shall act as chief of one of the divisions herein created.

Director.

Divisions.

SEC. 2. For the purpose of administration, the department shall be organized by the director in such manner as, with the approval of the governor, shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department shall be divided into at least two divisions: One to be known as the division of plant industry and one as the division of animal industry. The director shall adopt such rules and regulations not inconsistent with law as may be necessary to govern the activities of the department. He shall have the power to arrange and classify the work of the department and to assign to each of the officers thereof such duties and labors as he may see fit.

Appoint-
ments by
director.

SEC. 3. The director shall have power, except as otherwise provided herein, to appoint heads of divisions and such assistants, agents, experts, and other employees as are necessary for the administration of the affairs of the department, to prescribe their duties and, subject to the approval of the governor, to fix the salaries; *provided*, that the director or other officer of the department shall have no authority on the part of the state

to incur obligations exceeding the amount of moneys made available by law for the support of the department. The heads of divisions, assistants, agents, experts and other employees appointed by the director shall execute to the state such official bonds as the director may determine and require. The head of each division and one position under him of a confidential nature shall be exempt from the provisions of the civil service law. The director and all officers, assistants and agents of the department shall be civil executive officers.

Civil service
exemptions.

Sec. 4. All heads of divisions, assistants, agents, experts and other employees of the department shall be entitled to receive in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on state business. The salaries and expenses of all heads of divisions, assistants, agents, experts and other employees of the department shall be paid at the same time and in the same manner as the salaries and expenses of other state officers are paid.

Traveling
expenses.

Sec. 5. The director of agriculture may make investigations and prosecute actions concerning all matters relating to the business activities and subjects under the jurisdiction of the department as well as relating to the acts and the statistics referred to in section nine of this act. In connection therewith he shall have the right to inspect books and records and to hear complaints, administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding pertinent or material thereto in any part of the state.

Powers and
duties of
director.

In the event of the failure or the refusal of any witness to attend or testify or produce such papers, books, accounts or documents or give such testimony or in the event of any disobedience of said subpoena, the superior court in and for the county, or city and county, in which any inquiry, investigation or proceeding may be held by the director of agriculture, shall have power to compel the attendance of said witness, the giving of said testimony and the production of said papers, including books, accounts and documents, as required by any subpoena issued by the director of agriculture. The court upon petition of the director of agriculture shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the director of agriculture. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the director of agriculture, the court shall thereupon enter an order that the said witness appear before the director of agriculture at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Power of
subpoena

Powers of
officers.

The powers conferred upon the director of agriculture by the provisions of this section may be exercised with like force and effect by such officers of the department as the director may authorize and designate to conduct any such investigation or hearing; *provided, however*, that except in his report to the director, or when called upon to testify in any court or proceeding at law, any such officer who shall divulge any information acquired by him from the private books, documents or papers of any person, while acting or claiming to act under any such authorization or designation, in respect to the confidential or private transactions, property or business of any person, firm, association or corporation, shall be guilty of a misdemeanor and shall be disqualified from acting in any official capacity in the department. In addition thereto, such officer shall be liable in damages to any person, firm, association or corporation for all injury resulting from such unlawful disclosure.

Report to
governor.

SEC. 6. The director shall make a report to the governor at least sixty days before the commencement of each biennial session of the legislature. Such report shall give an account of all matters pertaining to his department, together with any recommendations, and shall specifically set forth a statement of expenditures made by the department during the period up to and including the thirtieth day of June preceding said session. There shall also be set forth in such report a statement of the organization plan of the department, together with the number and classes of officers and employees in the department and the compensation paid the same.

Duty of
attorney
general.

SEC. 7. The attorney general shall be the legal adviser of the department in all matters relating to the department and to the powers and duties of its officers. Upon request of the director, the attorney general, or under his direction, the district attorney of any county in which the action is brought, shall aid in any investigation, hearing, prosecution or trial had under the laws which the director is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such laws and for the punishment of all violations thereof. The sheriffs and constables in the several counties shall execute all lawful orders of the director in such counties.

Powers of
existing
boards, etc.
transferred.

SEC. 8. The director of the department of agriculture shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state commissioner of horticulture, of the state board of horticultural examiners, of the state dairy bureau, of the state veterinarian, of the stallion registration board, of the state board of viticultural commissioners, of the board of citrus fruit shipments, of the cattle protection board and of the several officers of such bodies and offices; and whenever by the provisions of any statute or law now in force or that may hereafter be

enacted as a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices or officers, such duty, jurisdiction and authority are hereby imposed upon and transferred to the director of the department of agriculture the same as though the title of the director of the department of agriculture had been specifically set forth and named therein. Said bodies, offices and officers whose duties, powers, purposes and responsibilities are so transferred to and vested in the director of the department of agriculture, are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. The department of agriculture shall also succeed to and be in control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

Offices
abolished.

SEC. 9. The director of the department of agriculture is hereby vested with the power and is charged with the duty of administering and enforcing the following laws:

Laws to be
enforced.

An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infractions thereof, and means for the enforcement of the act, approved March 20, 1903, and all acts amending or supplementing said act.

An act to prevent the propagation by the production of seed of that certain plant known as *Sorghum halepense*, otherwise known as Johnson grass, approved March 20, 1903, and all acts amending or supplementing said act.

An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes and to provide penalties for the infraction thereof and to appropriate money therefor, approved May 1, 1911, and all acts amending or supplementing said act.

An act to regulate the production of certified milk, cream, ice cream, butter and cheese; and repealing an act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act, approved April 25, 1913, and all acts amending or supplementing said act.

An act prohibiting the destruction of foodstuffs, food products or food articles, approved June 5, 1913, and all acts amending or supplementing said act.

Wherever in any of the statutes enumerated in this section or in any of the statutes amending or supplementing the same, a duty or jurisdiction is imposed or authority conferred upon any state board, commission, office or officer to administer the provisions of any of said statutes, such duty, jurisdiction and

Powers
transferred
to director.

authority are hereby imposed upon and transferred to the director of the department of agriculture and the officers thereof with the same force and effect as if the name of the director of the department of agriculture occurred in the statute in each instance in lieu of the name of any board, commission, office or officer, or in lieu of the name of any member, deputy, assistant or employee thereof, as the case may be.

Authority
to spend
money
on hand.

SEC. 10. From and after the date upon which this act takes effect, the director shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of any of the statutes enumerated in section nine hereof or for the use, support, or maintenance of any board, commission, office or officer that is abolished by the provisions hereof and whose duties, powers and functions are, by the provisions of this act, transferred to and conferred upon the department of agriculture. Such expenditures by the director shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

CHAPTER 326.

An act to provide for the formation of special municipal tax districts within municipalities for the acquisition, construction or operation of public improvements, works or utilities of local necessity or convenience, or for the furnishing of special local service; and for the acquisition, construction or operation of such improvements, works or utilities, or the furnishing of such service by or for such districts.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Special
municipal
tax districts
for
constructing
improvements, etc.

SECTION 1. Any portion of a municipality incorporated under the laws of the state may be formed into a special municipal tax district for the purpose of levying upon the taxable property in such district a special tax not to exceed fifteen cents per annum on each one hundred dollars of assessed valuation, the proceeds from which shall be used for the acquisition, construction or operation of any public improvement or work or utility of local necessity or convenience, or for the furnishing, performing or doing of any special local service, which such municipality is authorized by law to acquire, construct, operate, furnish, perform or do, including music, recreation or advertising. Such districts shall be formed and such tax levied in the manner and under the proceedings hereinafter set forth. Such districts may be

formed to continue one, two, three, four or five years, and such special tax may be levied each year for such period of time.

SEC. 2. Whenever a petition signed by not less than ten per cent of the qualified electors residing in the territory which is proposed to be formed into a special municipal tax district, setting forth a general description of the improvement, work or utility to be acquired, constructed or operated, or the special local service to be furnished, performed or done, a general description of the exterior boundaries of such proposed district, and a statement of the duration of such district and the maximum annual special tax proposed to be levied, shall have been filed in the office of the clerk of the legislative body of said city, said legislative body may adopt an ordinance or resolution declaring its intention to call an election in said proposed district, or as the same shall have been modified as hereinafter provided, for the purpose of submitting to the qualified electors of said district the proposition of authorizing the formation of such special municipal tax district and the levying therein of a special tax in the manner and for the purpose set forth in said ordinance or resolution of intention. In said ordinance or resolution of intention said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed public improvement, work, utility, or local service. Said ordinance or resolution of intention shall also contain:

Petition to form district.

Resolution of intention.

1. A description of the exterior boundaries of the proposed special municipal tax district;

What ordinance shall contain.

2. A general description of the improvement, work, utility or local service proposed to be acquired, constructed, operated, furnished, performed or done;

3. The maximum annual special tax proposed to be levied, and the number of years, not exceeding five years, that it is proposed said special tax shall be levied, and said proposed district shall remain in existence;

4. A statement that an election will be called in said district for the purpose of submitting to the qualified electors thereof the proposition of the formation of such special municipal tax district and the levying therein of said special tax to pay the cost and expenses of the proposed improvement, work, utility or local service, and that a map showing the exterior boundaries of said district with relation to the territory immediately contiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of such city;

5. A date, hour and place fixed for the hearing of protests.

SEC. 3. Said ordinance or resolution shall be published once a day for at least six days in some newspaper of general circulation published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days per week in such municipality, and one insertion

Publication of ordinance.

each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. Such ordinance or resolution shall take effect upon the completion of said publication. In municipalities where no such newspaper is published, such ordinance or resolution shall be posted in three public places therein, and shall take effect two weeks after the date of such posting of notice.

Objections
to formation
of district.

SEC. 4. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed improvement or work, or to the acquisition, construction, or operation of the proposed utility, or to the special local service, to be furnished, performed or done, or to the inclusion of his property in said district, may file a written protest, setting forth such objection, with the clerk of said legislative body at or before the time set for the hearing of said protests. The clerk of said legislative body shall indorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said body all protests so filed with him. Said legislative body shall hear said protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests against the proposed improvement or work, or against the acquisition, construction, or operation of the utility, or against the special local service to be furnished, performed or done, be sustained, no further proceedings shall be had or taken pursuant to such petition, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the legislative body shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement, work, utility, or special local service.

Notice of
intention
to change
boundaries.

Said legislative body shall not modify such boundaries except after notice of its intention so to do, given by one insertion in said newspaper or by posting in three public places in municipalities where no such newspaper is published, describing the proposed modification, and specifying a time for hearing objections to such modification, which time shall be at least ten days after the publication of said notice. Written objections to said proposed modification may be filed with the clerk of said legislative body by any interested person at or before the time set for hearing the same. Said legislative body shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If such objections, or any of them, be sustained, no

Objections.

further proceedings pursuant to such petition shall be taken, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained.

At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and after hearing be denied, or at the expiration of the time within which objections to the modifications of the boundaries of the district, in case such modification be proposed, may be filed, if none be filed, or if such objections be filed, and, after hearing, be overruled, as above provided, then said legislative body shall be deemed to have acquired jurisdiction to proceed further in accordance with the provisions of this act.

SEC. 5. At any time after said legislative body shall have so acquired jurisdiction, it may call an election to be held within the district described in said ordinance or resolution of intention, or as the same may have been modified as above provided, and provide for the submission to the qualified electors thereof, the proposition of the formation of such special municipal tax district and the levying therein of a special tax for the purposes set forth in said ordinance or resolution of intention. The ordinance or resolution calling such election shall recite the objects and purposes for which the proposed special tax is to be incurred, the nature of the improvement, work, utility, or local service contemplated thereby, the estimated cost thereof, the maximum amount of the special tax annually to be levied therefor, and whether such tax shall be levied for one, two, three, four or five years; and shall fix the date on which such election shall be held, the manner of holding the same and the manner of voting for or against said proposition.

Election
for formation
of district.

Ordinance
calling
election.

SEC. 6. For the purposes of said election said legislative body shall in said ordinance or resolution establish one or more voting precincts within the boundaries of said district, designate a polling place and appoint one inspector, one judge and one clerk for each such precinct. Said ordinance, or resolution, ordering the holding of said election shall, prior to the date fixed for such election, be published five times in a daily, or twice in a weekly or semiweekly newspaper of general circulation, printed and published in said city, and designated by said legislative body for such purpose. In cities where no such newspaper is published, such ordinance, or resolution, shall be posted in three public places therein, two weeks preceding the date fixed for the holding of such election. No other notice of such election need be given. In all particulars not otherwise provided in this act, such election shall be held as near as may be in conformity with the law for the holding of municipal elections in such city. If at such election a majority of all the voters voting upon such proposition at said election shall vote in favor of the formation of such special municipal tax district and the levying therein of such special tax, then such legislative body shall thereupon be authorized

Publication
of ordinance.

Majority
vote shall
establish
district.

and empowered to declare such special municipal tax district formed and to levy such special tax. After an election based upon any such petition, the sufficiency of such petition or any proceedings had prior to such election, in any respect, shall not be subject to judicial review or be otherwise questioned, nor shall any defect or irregularity in any proceedings prior to such election affect the validity of the formation of such district or any proceedings or acts had or done subsequent thereto in carrying out the objects or purposes of this act.

Tax levy.

SEC. 7. The legislative body of such city shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect a special tax not exceeding said maximum rate, upon the taxable property in such district as set forth in the ordinance calling said election. Such tax shall be in addition to all taxes levied for municipal purposes and when collected shall be paid into the treasury of such city and be used for the purposes set forth in the ordinance calling said election.

Municipality to act on behalf of district.

SEC. 8. Said municipality shall, by and through its proper officers, have full power and authority on behalf of such district, to expend the proceeds acquired from such special tax for the purposes or objects set forth in the ordinance or resolution calling said election, and shall also have full power and authority to acquire, construct or operate such improvements, works or utilities, or to furnish, perform or do such special local service, and such improvements, works or utilities, or special local service, so acquired, constructed or furnished shall be the property of such municipality for the benefit of such district.

Municipal officers to act on behalf of district officers.

The legislative body and all other officers, boards or commissions of such municipality, their assistants, deputies, clerks and employees, shall be ex officio the legislative body, officers, boards, commissions, assistants, deputies, clerks and employees, respectively, of such special municipal tax district, and shall respectively perform, unless otherwise provided by said legislative body, the same various duties for said district as they are lawfully required to perform for said municipality, without additional compensation, in order to carry out the provisions of this act.

Appointment of other officers and employees.

Said legislative body may in its discretion provide for the appointment of such other officers and employees for said district as in its judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers and employees shall hold office during the pleasure of said legislative body and shall not be subject, in their appointment and removal, to the civil service provisions, if any, of such municipality.

Name of district.

SEC. 9. Any district formed under the provisions of this act shall be known as special municipal tax district number (inserting number) of the city of _____ (inserting the name of the municipality in which such district is located).

SEC. 10. This act shall not affect any other act or acts Intent of act. relating to the same, or a similar subject, but it is intended to provide an alternative method of procedure governing the subject to which it relates.

SEC. 11. The provisions of this act shall be liberally Construction. construed to effect the purpose thereof.

CHAPTER 327.

An act to define commercial feeding stuffs and to establish a standard therefor, providing for the branding and labeling of same, empowering the state board of health to enforce the provisions of the act and providing penalties for the violation of same.

[Approved May 16, 1919. In effect November 1, 1919.]

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

SECTION 1. The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding live stock and poultry, except the following: "Commercial feeding stuffs" defined.

(a) Whole seeds or grains. Exceptions.

(b) The unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, milo and light rice; *provided*, that light rice shall be labeled "light rice" when ground.

(c) Whole hays, straws, cottonseed hulls and corn stover, when unmixed with other materials.

(d) All other materials containing sixty per centum or more of water.

SEC. 2. The standards for commercial feeding stuffs shall be the latest revision of the definitions of feeding stuffs adopted by the association of feed control officials of the United States. Standards.

SEC. 3. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying: Label for parcels.

(a) The net weight of the contents of the package, lot or parcel;

(b) The name, brand or trade-mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum per centum of crude protein;

(e) The minimum per centum of crude fat;

(f) The maximum per centum of crude fiber;

Contents
of label.

(g) The maximum per centum of ash;
(h) The specific name of each ingredient used in its manufacture.

(i) The per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, alfalfa meal or similar materials, when such constitute a portion of the package, lot or parcel.

(j) In the case of poultry feeds, the per centum of grit or mineral matter they contain.

The crude protein, crude fat, crude fiber and ash shall be determined by the methods in force at the time by the association of official agricultural chemists of North America.

Inspection
by state
board of
health.

SEC. 4. The state board of health and its agents and inspectors shall have free access to all places of business, mills, buildings, carriages, cars, vessels and parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any commercial feeding stuffs, and shall have the power and authority to open any parcel containing or supposed to contain any commercial feeding stuffs, and upon tender and full payment of the selling price of said sample, to take therefrom samples for analysis. The methods of analysis shall be those in force at the time by the association of official agricultural chemists of North America.

Adulterated.

SEC. 5. Commercial feeding stuffs shall be deemed adulterated if they do not conform to the analysis declared on the label or tag.

Mislabeled

SEC. 6. Commercial feeding stuffs shall be deemed mislabeled if they are not labeled or tagged in accordance with the provisions of section three of this act.

Prosecution
for violation
of act.

SEC. 7. If it appears that any of the provisions of this act has been violated, the state board of health shall certify the facts to the proper prosecuting attorney and furnish that officer with a copy of the result of the analysis or other examination of such feeding stuffs duly authenticated by the analyst or other officer making the determination, under the oath of such officer; *provided*, that it shall appear from any such examination that any of the provisions of this act has been violated the state board of health shall cause notice to be given to the manufacturer or dealer from whom said sample was taken; any party so notified shall be given an opportunity to be heard in his defense under such rules and regulations as may be prescribed by the state board of health before the facts shall be certified to the proper prosecuting attorney. In all prosecutions arising under the provisions of this act, certificates of the analyst or other officer making the examination or analysis, when duly sworn to by such officer, shall be prima facie evidence of the fact or facts therein certified.

Penalties.

SEC. 8. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale, or distribute in this state, any commercial feeding stuffs without having attached thereto or furnished therewith such

labels or tags as required by the provisions of this act, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said state board of health or its authorized agent in the performance of its duty in connection with the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs as defined in section one, without complying with the requirements of the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs which contains a smaller per centum of crude protein or crude fat or a larger per centum of crude fiber or ash than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manufacture or who shall fail to properly state the per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, alfalfa meal or similar materials, when such constitute a portion of the package, lot or parcel, or the per centum of grit or mineral matter in poultry feeds shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be fined not more than one hundred dollars for the first violation and not less than one hundred dollars for each subsequent violation. Any manufacturer, jobber, importer, firm, association, corporation or person who shall mix or adulterate any feeding stuffs with any substance or substances injurious to the health of live stock or poultry shall be deemed guilty of a violation of the provisions of this act, and in addition to the penalty provided in this section, the lot of feeding stuffs shall be subject to seizure, condemnation and sale as the court may direct. The court may in its discretion release the feeding stuffs so seized when the requirements of the provisions of this act have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with such seizure. One-half of all fines, and the proceeds from condemned food-stuffs collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer, and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and the state board of control. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in the United States, from whom he purchased such commercial feeding stuffs to the effect that the same are not adulterated, mislabeled or misbranded within the meaning of this act, and can also establish by satisfactory evidence that the commercial feeding stuffs sold, offered or exposed for sale or distributed in this state were mislabeled or did not conform to the analysis declared on the label or tag affixed thereto, and that at the time of selling, offering or exposing for sale or distributing in this state such commercial feeding stuffs the dealer

Penalties.

One-half of
fines paid to
state
treasurer.Guaranty of
wholesaler.

General guaranty.

was not aware of that fact; such guaranty may be either general or special. A general guaranty shall guarantee without condition or restriction all of the commercial feeding stuffs purchased, prepared, compounded, packed, distributed or sold by the guarantor as not mislabeled or adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular commercial feeding stuffs listed in an invoice of the same and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such commercial feeding stuffs to said dealer. If the guaranty be to the effect that such commercial feeding stuffs are not adulterated, mislabeled or misbranded within the meaning of the national pure food act, approved June 30, 1906, it shall be sufficient for the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said national pure food act alone shall not be sufficient for the purposes of this act in any case where at any time the standard for the commercial feeding stuffs concerned under this act is higher than the standard for like commercial feeding stuffs under said national pure food act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state and it appears from the certificate of the director of the state laboratory that such commercial feeding stuffs were adulterated, mislabeled or misbranded, within the meaning of this act or the national pure food act approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

Special guaranty.

When state standard is higher than national.

Enforcement.

SEC. 9. The state board of health is hereby empowered to enforce the provisions of this act and to prescribe the form of tags, or labels to be used, and to prescribe and enforce such rules and regulations relating to the sale of commercial feeding stuffs as it may deem necessary to carry into effect the full intent and meaning of this act.

In effect when.

SEC. 10. This act shall take effect on the first day of November, 1919.

Repealed

SEC. 11. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 328.

An act to amend sections sixty-eight, seventy and seventy-two of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the

issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to the foreclosure of improvement bonds.

[Approved May 16, 1919. In effect July 22, 1919.]

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

SECTION 1. Section sixty-eight of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows: Stats. 1915,
p. 1475.

Sec. 68. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as hereinbefore provided, the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice of which must contain the date, number and series of the delinquent bond, a description of the property mentioned in said bond, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with penalties and the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer. Notice of
delinquency
of bond.

Like notice shall not less than fifteen days before the day of sale so fixed be deposited by the city treasurer in the post office at such city, addressed to the person to whom said property is assessed upon the last assessment roll of such city (or if the city has no assessment roll, upon the last assessment roll of the county in which such city is situated), at his address if known, and to all record lien holders, with the postage, thereon prepaid. When the addresses of such persons are unknown the notice shall be mailed to them at the city in which said property is located.

At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with penalties and costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in his behalf Owner
may pay
before sale.

of such owner or person in possession, the property subject thereto shall be sold at public auction to the bidder offering to pay the amount due on the bond with penalties and costs for the least portion of such lot or parcel of land offered for sale.

Stats. 1915,
p. 1475.

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

Collection
of penalties.

SEC. 70. The city treasurer must collect, in addition to the amount due on such bond, the penalties hereinabove provided for and the cost of the publication of such notice, and one dollar, being for the certificate of sale delivered to the purchaser as hereinafter provided and for the cost of filing the duplicate thereof as hereinafter provided.

Stats. 1915,
p. 1475.

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

Purchaser's
lien on
property.

SEC. 72. Immediately on the sale, the purchaser shall become vested with a lien on the property so sold to him, for the amount of the purchase money, and is only divested of such lien by the payment to the city treasurer for the purchaser of the purchase money, and in addition thereto ten per cent thereon, with interest on said purchase money at one per cent per month from date of sale.

Certificate
of sale.

The city treasurer shall issue for each sale an original and a duplicate certificate of sale referring to the proceedings, describing the parcel sold and giving the name of the purchaser and the amount for which said parcel was sold and shall deliver the original certificate to the purchaser and shall file the duplicate in the office of the recorder of the county in which the land sold is situated.

CHAPTER 329.

An act to amend section one thousand eight hundred ten b of the Code of Civil Procedure, relating to attorney's fees and payment of judgments in actions by or on behalf of minors.

[Approved May 16, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand eight hundred ten b of the Code of Civil Procedure is hereby amended to read as follows:

Attorney's
fees against
minor fixed
by court.

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

general guardian, under the control of the court; *provided*, that where a minor has brought an action by a guardian *ad litem* and has recovered a money judgment not in excess of five hundred dollars, exclusive of costs, and the guardian *ad litem* is a parent or blood relative of said minor, then, with the approval of the court that rendered the judgment the whole amount of said judgment may be paid directly to such guardian *ad litem* without any bond being required therefor. The court in any of the cases provided for herein may direct the amount fixed as attorney's fees to be paid directly to the attorney, and the balance to be paid to such guardian *ad litem* of said minor, or to the general guardian of said minor if a general guardian has been appointed or is required by the court.

Judgment
not in
excess of
five hundred
dollars.

CHAPTER 330.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand eight hundred ten c, relating to the right to compromise claims of minors.

[Approved May 16, 1919. In effect July 22, 1919.]

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

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

1810c. Where a minor shall have a disputed claim for money against a third person, the father, and if the father be dead or has deserted or abandoned the minor, then the mother of said minor, shall have the right to compromise such claim, but before the compromise shall be valid or of any effect the same shall be approved by the superior court of the county where the minor resides, upon a verified petition in writing, regularly filed with said court. If the court approves such compromise, the said superior court may direct the money paid to the father or mother of such minor, with or without the filing of any bond, or it may require a general guardian or guardian *ad litem* to be duly appointed and the money to be paid to such guardian or guardian *ad litem* with or without a bond as in the discretion of the court seems to the best interests of said minor. The clerk of the superior court shall not charge any fee for filing said petition for leave to compromise or for placing the same upon the calendar to be heard by the court.

Parent's
right to
compromise
claim of
minor.

CHAPTER 331.

An act to amend section nine a of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district and for the establishment of such districts," approved March 21, 1907.

[Approved May 15, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 1373.

SECTION 1. Section nine a of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, is hereby amended to read as follows:

If contractor
fails to
carry out
contract.

Sec. 9a. If the contractor shall fail to begin in good faith the work provided for in said contract within the time in said contract set forth, or shall fail thereafter to prosecute said work in a workmanlike and diligent manner, or shall fail in any other respect to carry out the terms of said contract, then the board of supervisors shall cause written notice to be served upon said contractor, specifying the particular or particulars in which he fails to fulfill the requirements of said contract and if for a period of three days thereafter said contractor shall fail to remedy the defects set forth in said notice, and to prosecute said work thereafter with diligence and in a workmanlike manner, then the board of supervisors shall either take over said contract and complete said work, or shall relet said contract, without the necessity of advertising for bids, and cause the work to be completed, and shall declare the bond given by said contractor forfeited and order suit brought thereon, and all moneys collected therefrom shall be paid into the general road fund of the county.

Action
to recover
on bond.

If the contractor shall fail to pay for any labor or material furnished for, or in the doing of said work, by any person, such person shall have and hold a lien against the bonds to be issued to cover the cost and expenses of said work. Such person may at

any time prior to the issuance of said bonds file with the county treasurer a verified statement of the fact that he has not been paid for such labor or material. The county treasurer shall withhold from the contractor or any one claiming under him as assignee or otherwise, sufficient of said bonds to satisfy such claim, and costs which can reasonably be anticipated. Such claimant, if he so elects, and if he has not received the said bonds, may as an alternative, at any time within six months after the filing of such statement bring an action on the bond of the sureties in his own name, or if he has assigned his claim, the action may be brought in the name of the assignee; *provided, however*, that the right of the county to recover on said bond shall be superior to the rights of such claimant to recover thereon.

Action for
recovery

CHAPTER 332.

An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof; and to provide a method of dissolving such districts.

[Approved May 16, 1919. In effect July 22, 1919.]

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

SECTION 1. Terms defined. This act may be known and cited as the "conservancy act of California"; the bonds which may be issued hereunder may be briefly called "conservancy bonds," and shall be so engraved or printed on their face; the districts created hereunder shall be briefly termed "conservancy districts" or "conservation districts"; the tax books and records provided for hereunder shall be termed "conservancy books" or "conservancy records," and such titles shall be printed, stamped or written thereon.

Title.

Terms
defined.

Wherever the term "publication" is used in this act and no manner specified therefor, it shall be taken to mean once a week for three consecutive weeks in a newspaper of general circulation in the county wherein any part of the district is situated.

Terms
defined.

Wherever the term "assessment roll" is used herein it shall be held to mean the "last" tax assessment roll of the county.

Where the term "railroad commission" is used herein it shall be held to mean that certain state commission referred to in the public utilities act of the State of California.

Wherever the term "water commission" is used herein it shall be held to mean that certain commission of the State of California referred to in an "act to create the use of waters," etc., approved June 16, 1913, and when the "water commission act" is referred to it shall be held to mean said "act to create the use of waters," etc., approved June 16, 1913.

Wherever the term "state engineer" is used it shall be held to mean the department of engineering of the State of California. The chief engineer of said department shall be ex officio an engineer of any district formed under this act, and it shall be the duty of said department to supervise, examine and pass upon the plans and specifications of the district in the manner provided for herein.

Wherever the term "person" is used in this act, and not otherwise specified, it shall be taken to mean any person, firm, copartnership, association or corporation, other than county, city or other political subdivision. Similarly, the words "public corporation" shall be taken to mean counties, cities, school districts, road districts, protection districts, flood control districts, ditch districts, park districts, levee districts, and all other governmental agencies and political corporations clothed with the power of levying general or special taxes or general or special assessments which may be levied for local improvement purposes.

Wherever the term "board of supervisors" is used, and not otherwise specified, it shall be taken to mean the board of supervisors of the county wherein the petition for the organization of the district was filed and granted, and where a district lies in more than one county, the words "board of supervisors" shall mean the board of supervisors of all the counties sitting conjointly.

Wherever the word "board" is used and not otherwise specified, it shall mean the board of directors of the district.

Wherever the word "treasurer" or "treasurer of the district" is used, it shall mean ex officio the treasurer of the county with which the petition is filed, unless otherwise specified.

Wherever the term "secretary" is used it shall be held to mean the "secretary" of the district.

The word "clerk" unless otherwise specified shall mean the clerk of the district, who shall also be clerk of the board of directors.

Wherever the terms "land" or "property" are used in this act they shall, unless otherwise specified, be held to mean real property, as the words "real property" are used in and defined by the laws of the State of California, and shall embrace all railroads, tramroads, roads, electric railroads,

street and interurban railroads, streets and street improvements, telephone, telegraph and transmission lines, gas, sewerage and water systems, pipe lines and rights of way of public service corporations, and all other real property whether public or private.

Wherever the term "main county" is used herein, it shall be held to mean the county wherein the petition for formation of the district has been filed.

SEC. 2. The board of supervisors of any county in this state is hereby vested with jurisdiction, power and authority, when the conditions stated in this act are found to exist, to establish conservancy districts, which may be entirely within unincorporated territory or partly within unincorporated and partly within incorporated territory, and either entirely within, or partly within and partly without, the county in which said board is located, for all or any of these objects and purposes:

Conservancy districts established by board of supervisors.

- (a) Of preventing floods;
- (b) Of regulating ditches and water channels by changing, widening and deepening the same;
- (c) Of reclaiming or of filling or of draining wet, swamp and overflowed lands;
- (d) Of preventing or aiding the deposit of detritus and silt;
- (e) Of regulating the flow of streams;
- (f) Of constructing canals;
- (g) Of forestation or reforestation;
- (h) Of spreading and sinking flood water;
- (i) Of diverting in whole or in part eliminating water courses; and incident to such purposes and to enable their accomplishment, to straighten, widen, deepen, divert, or change the course or terminus of, any natural or artificial water course;
- (j) To build reservoirs, canals, levees, walls, embankments, bridges, dams, by-passes or spreading basins; or sinking wells or sinking basins; to maintain, operate and repair any of the constructions herein named;
- (k) To conserve flood waters and to dispose of waters which have been conserved, for purposes of irrigation;
- (l) To construct and maintain levees and embankments for the prevention of damage by floods to real or personal property or real and personal property and to do all things for the fulfillment of the purposes of this act.

Purposes.

SEC. 3. Petition. Before any board of supervisors shall call an election to determine whether a district shall be established, and before a district shall be established as outlined in section two hereof, a petition shall be filed in the office of the clerk of said board of supervisors signed either by fifty freeholders, or by a majority of the freeholders, or by the owners of more than half of the property, in either acreage or assessed value, according to the last assessment roll, within the limits

Petition to establish district.

of the territory proposed to be organized into a conservancy district under this act.

The petition shall set forth:

Contents.

First—The proposed name of said district.

Second—The necessity for the proposed work and that it will be conducive to the public health, safety, convenience or welfare.

Third—A general description of the purpose of the contemplated improvement, and of the territory to be included in the proposed district. Said description of the territory to be included need not be given by metes and bounds, or by legal subdivisions, but it shall be sufficient if a generally accurate description is given of the territory to be organized as a district. Said territory need not be contiguous, provided it be so situated that the public health, safety, convenience or welfare will be promoted by the organization as a single district of the territory described.

Fourth—Said petition shall pray for the organization of the district by the name proposed.

Amendment.

No petition with the requisite signature shall be declared null and void on account of alleged defects, but the board of supervisors may at any time prior to the hearing thereof permit the petition to be amended in form and substance to conform to the facts, by correcting any errors in the description of the territory to be included, or in any other particular. Several similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on said petition shall be considered by the board of supervisors the same as though filed with the petition first placed on file.

Evidence of ownership.

In determining when a majority of landowners have signed the petition the board of supervisors shall be governed by the names as they appear upon the last tax assessment roll prior to one day before the filing of said petition, which shall be prima facie evidence of such ownership.

Bond.

SEC. 4. At the time of filing the petition, or at any time subsequent thereto and prior to the time of the hearing on said petition, a bond shall be filed running to the board of supervisors of the county in which the petition is filed, with security approved by the board of supervisors, sufficient to pay all the expenses connected with the proceeding in case the said board of supervisors refuses to organize the district. If at any time during the proceeding the said board of supervisors shall be satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed to be not less than ten days distant, and upon failure of the petitioners to execute the same the petition shall be dismissed.

Notice of hearing.

SEC. 5. Immediately after the filing of such petition, the clerk of the board of supervisors with whom such petition is

filed shall cause notice by publication to be made of the pendency of the petition and of the time and place of the hearing thereon and of the hearing of objections to the formation of such district. The board of supervisors of the county in which the petition was filed, shall thereafter, for all purposes of this act, except as hereinafter otherwise provided, maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district and of lands and other property proposed to be affected by said district; *provided*, that where said district lies in more than one county the board of supervisors of the county where the petition is filed shall forthwith notify the board or boards of supervisors of other counties in which said district is situated by directing a letter and transmitting the same by mail to the clerk or clerks of said board or boards notifying said board or boards of that fact and setting a day for a joint meeting with said board or boards, whereupon said boards shall meet jointly for the purpose of hearing said petition and objections thereto, if any, and for the transaction of business, in the chambers of the board with whom the said petition was filed; *provided*, that said meetings from time to time may be continued, by mutual agreement, whereupon said boards shall sit conjointly thereafter for all purposes of this act, except as hereinafter otherwise provided, and maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of the district and of lands and other property proposed to be included in said district or affected by said district without regard to the usual limits of their jurisdiction. A majority of the members of the joint board shall constitute a quorum; *provided*, that in the event that the board of supervisors of any county in which a portion of the district lies, after having been given due notice, as herein provided, of the hearing for the formation of such district, who shall after having been given said notice fail to appear and participate, as a member, or members, of said joint board, shall be considered to have waived all right to participate in the deliberations of said board, and a majority of the supervisors representing the other county or counties in which said district lies, shall thereby automatically constitute the joint board of supervisors and shall have all jurisdiction and powers provided for said joint board of supervisors under this act. The clerk of the board of supervisors with whom the petition is filed, and all officers of the board with whom the petition is filed, shall be clerk and officers of the board sitting conjointly as herein specified. The act of the clerk of said board of supervisors transmitting said letter of notification shall be deemed the act of said board of supervisors so notifying. At the day set for said hearing all objections to said petition shall be heard by said board or joint board. Said board or joint board shall have and it is hereby given full discretion to approve or deny said petition by a

Jurisdiction
of board of
supervisors.Joint
meeting.Hearing of
objections.

majority vote of its members present. Its decision in the matter shall be final and conclusive except as to the matters hereinafter stated. Objections to said petition need not be in writing, but the determination of said board shall be in writing and entered upon the minutes of said board.

Lands
included in
district.

Said board shall at said hearing, if it approve said petition, determine what land or lands within said proposed district will be benefited by said proposed improvements, and said board may in its discretion change or alter the boundaries of said proposed district to conform to the needs of the district; *provided*, that they shall include therein only such land as will in their judgment be benefited by the proposed work or improvement; *and provided*, that they shall not include therein land not included within the proposed boundaries of the district set forth in the petition; *and provided*, that said board shall at said hearing or adjourned hearing define the boundaries of the proposed district. The findings of such board shall be conclusive upon the genuineness and sufficiency of the signatures to the petition and of the notice of the hearing.

Election.

SEC. 6. Said board or joint board of supervisors, unless said petition be denied, must, if said lands of said district lie wholly within the county, within ten days after the determination of a hearing upon said petition, otherwise within thirty days after the termination of a hearing upon said petition, call an election within the proposed district for the determination of the question, whether such proposed district shall or shall not be organized and also to elect five persons who shall act as directors of the district for a term of four years in case such district be organized, and shall divide said district into convenient precincts and fix a polling place in each, and shall appoint three qualified electors in each precinct of said district to conduct said election; which election must be held within forty days from the date of said order.

Notice.

Said election shall be called by posting notice thereof in three of the most public places in such county in said proposed conservancy district, and by publication in a daily or weekly paper in each of said counties, if there be one, at least once a week for not less than fifteen days. Said notices must specify the time, place or places and purposes of said election, give the boundaries of the said proposed conservancy district as determined at the hearing of the petition, designate the respective election precincts and the polling place in each and the election officers and the hours during which the polls will be kept open; *provided*, that the polls must be opened not later than eight o'clock a.m., and kept open until seven o'clock p.m.

Candidate;
for director.

It shall be the duty of the board of supervisors to order placed upon the ballot the names of candidates for the position of director of the district who shall have been endorsed by a petition to said board of supervisors containing the names of ten or more electors of the district, petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at such election; *provided, however*, that

such petitions be filed with the board of supervisors calling said election within fifteen days after the first publication of the notice calling said election.

Said election shall be conducted in accordance with the general election laws of this state so far as applicable, and except as herein otherwise provided, without reference to the form of the ballot or manner of voting, except that the ballots shall contain the words "for the formation of a conservancy district", and "against the formation of a conservancy district", and the voter shall write or print or stamp a cross after the words that indicate his choice, together with the number of votes he is entitled to cast therefor as hereinafter provided, and that said ballots shall also contain the names of all candidates for the position of director of the district, with instructions to the voter to vote for five of the candidates for said position whose names appear upon such ballot, with the right to vote for each of the five candidates selected by him the number of votes he is entitled to cast as hereinafter provided.

Conduct of election.

Each and every owner of land in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each acre of real estate owned by him in the district, such ownership to be determined from the next preceding assessment roll of the county or counties in which the lands of the district are situated, and the board shall, prior to the election, cause to be prepared and certified and furnished to the board of elections at each voting place, a true and correct copy of the entries upon said next preceding assessment rolls so far as such assessment rolls apply to any lands within such district, and to the extent of showing the name of the owner and the number of acres assessed to each such owner, and which said certified entries from said rolls shall be used by the board of election in determining the number of votes each voter is entitled to cast.

One vote for each acre of real estate owned.

In calculating the number of acres owned by any voter any fraction of an acre in excess of the integral number owned by him shall be disregarded.

Fraction of acre.

Where land is owned in joint undivided ownership, the votes shall be divided in accordance with the interests of each joint owner.

Joint ownership.

Where land is assessed to unknown owners, any person producing an affidavit of any searcher of records certifying the true ownership of such land at the date of the election, or at any time five days previous thereto, accompanied by an affidavit of the person certified to be the owner that he is the owner of the property at that time, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment roll as above mentioned.

Unknown owners.

Where corporations or partnerships appear as the owners of properties the votes of such voters shall be cast by any person holding a proxy from such corporation or firm.

Executors, administrators, special administrators and guardians may cast the vote of the estates represented by them.

Pro dies.

No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of elections. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot, the number of votes the holder of the ballot is entitled to cast, and in their canvassing returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted.

Canvass of vote.

It shall be the duty of the election officers to publicly canvass the votes immediately after the close of the election, and to make a report of the result of said election to the board of supervisors within five days subsequent to the holding thereof, who shall as soon as practicable proceed to canvass said returns.

If majority for district.

If a majority of the votes cast at said election shall be in favor of a conservancy district, the said board of supervisors shall, by resolution, establish said conservancy district and proceed as herein otherwise stated.

If majority against.

If a majority of the votes cast shall be against the conservancy district, the board of supervisors shall by order so declare, and shall thereafter dismiss said proceedings by order and proceed to adjudge the cost against the signers of the petition or their bondsmen; no other proceedings shall be taken for the formation of a similar district until the expiration of one year from said election.

Directors declared elected.

If the majority of votes cast at such election shall be in favor of a conservancy district, the board of supervisors shall canvass the returns of said election for the position of directors for the district and having determined upon the five candidates duly elected as directors shall by resolution declare them to be so duly elected and declare them to be the directors of the district for the ensuing term of four years and certificates of election shall be issued to them.

The fact of the presentation of the petition and the order establishing the conservancy district and the order declaring the five directors elected, shall be entered in the minutes of the board of supervisors of the main county, and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was at the time of the signing the same and presentation of the petition an assessed freeholder in 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. Should the office of any of said directors elected become vacant before his term of office expires, the same shall be filled by the board of directors for the unexpired term. On the expiration of the

terms of said directors elected as herein specified, the supervisors shall again call an election in accordance with the provisions of this section to fill the offices so becoming vacant.

In said resolution establishing the district the board shall give said district a corporate name, which may or may not be the name designated in said petition, by which in all proceedings it shall thereafter be known, and thereupon the district shall be a political subdivision of the State of California, a body corporate with all the powers of a corporation, and shall have power:

1. To have perpetual succession and existence.
2. To sue and to be sued in the name of said district 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, to hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without such district necessary to the full exercise of its powers.

After an order is entered by the board of supervisors establishing the district, such order shall be deemed final and binding upon the property within the district and shall finally and conclusively establish the regular organization of the said district against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within three months after said decree declaring such district organized as herein provided and not otherwise.

Upon the election and qualification of a board of directors as herein provided said board of directors shall designate the place where the office or principal place of business of the district shall be located, which shall be within the corporate limits of the district if practicable, and which may be changed by order of said board of directors from time to time. The regular meetings of the board of directors shall be held at such office or place of business, but for cause entered of record may be adjourned to any other convenient place. The official records and files of the district shall be kept at the office so established.

SEC. 7. Within thirty days after the said district has been duly established the clerk of the main county shall transmit to the secretary of state, and to the county recorder and the county clerk in each of the counties having lands in said district, copies of the resolution establishing said district. The same shall be filed and recorded in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed and recorded under the general law concerning corporations, and shall also be filed in the office of the county clerk of each county in which a part of the district may be, where they shall become permanent records; and the recorder in each county shall receive a fee of one dollar for filing and recording the same, and the secretary of state shall receive for filing and for recording

Name.

Powers of district.

Place of business.

Recording of resolution establishing district.

said copies such fees as are now or hereafter may be provided by law for like services in similar cases. The expenses required for filing papers and all other incidental expenses to the organization of the district shall be paid from the general fund of the main county and shall be refunded by the district on demand.

Oath of
director.

SEC. 8. Each director before entering upon his official duties shall take and subscribe to an oath before a qualified officer that he will honestly, faithfully and impartially perform the duties of his office, and that he will not be interested directly or indirectly in any contract let by said district, which said oath shall be filed in the office of the clerk of the board of supervisors of the main county. Upon taking the oath, the board of directors shall choose one of their number president of the board, and shall elect some suitable person secretary, who may or may not be a member of the board. Such board shall adopt a seal, and shall keep a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees or contractors and all corporate acts, which record book shall be open to the inspection of all owners of property in the district, as well as to all other interested parties.

President
and
secretary.

Quorum.

SEC. 9. A majority of the directors shall constitute a quorum, and a concurrence of at least three directors in any matter within their duties herein prescribed shall be valid as the act of the board.

Duties of
secretary.

SEC. 10. The secretary shall be the custodian of the records of the district and of its corporate seal and shall assist the board of directors in such particulars as said board may direct in the performance of its duties. It shall be the duty of the secretary to attest, under the corporate seal of the district, all certified copies of the official records and files of the district that may be required of him by the provisions of this act, or by any person ordering the same and paying the reasonable cost of transcription. And any portion of the record so certified and attested shall prima facie import verity. The board of directors shall also employ a chief engineer who may be an individual, copartnership, or corporation; an attorney, attorneys, and such other agents and assistants as may be needful; and may provide for their compensation, which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. The employment of the secretary, engineer and attorney for the district shall be evidenced by agreements in writing, which, so far as possible, shall specify the amounts to be paid for their services.

Chief
engineer.
Attorney.

Plan for
improvements.

SEC. 11. Upon their qualification, and after their organization, the board of directors shall cause to be prepared a plan by the engineer of the district employed for this purpose, for the improvements for which the district was created. Such plan shall include such surveys, maps, profiles, plans and other data and descriptions as may be necessary to set forth properly the location and character of the work, and

the location and extent of the property benefited or taken or damaged, with estimates of cost and with specifications for doing the work. In case the board of directors finds that any former survey made by any other district, or in any other manner, is useful for the purpose of the district, the board of directors shall have the power to acquire such data and records of surveys as may be useful to it, and shall pay therefor an amount not to exceed the value of such data and records to said district. The plan herein referred to may include any improvement work already done for conservancy or flood control purposes or any of the purposes contemplated by this act, by any person, firm, corporation, private or public, or any district or municipality, and if so the board of directors shall have power to acquire the same and pay therefor an amount not to exceed the appraised value thereof as appraised by the board of appraisers hereafter referred to.

Use of
former
survey.

Upon the completion and filing of such plan, the board shall cause notice by publication to be given as provided in section one herein in each county of said district, of such completion of said plan, and shall permit the inspection thereof at their office by all persons interested. Said notice shall fix the time and place for the hearing of all objections to said plan not less than twenty days nor more than thirty days after the last publication of said notice; any person interested in property within the district may object to such plan. All objections to said plan shall be in writing and filed with the secretary of said board at his office not more than one day before the time of such hearing. Said objection shall specify the features of the plan objected to. At the time specified in said notice, the board of directors shall meet at the office of said district, and hear said objections and adopt, reject or refer back said plan for modification to the engineer of said district. If said plan be referred back to said engineer said meeting shall be continued from time to time until such modified plan shall be reported by said engineers. The state engineer shall be invited to be present in person or by representative at said hearing or any continuation thereof and may approve, reject or modify said plan, his actual expenses to be borne by the district. Before final approval of the official plan the same shall have had the written approval of the state engineer whose duty it shall be to pass upon the feasibility of the plan, its proper adaptation to a general flood control plan of the stream system or systems of which it may be a part as well as the safety of the works to be constructed and until such approval shall have been received such official plan may not be adopted. After said hearing before the board of directors and their approval, and after said plans have been approved or modified and approved by the state engineer, the said board shall adopt said plan as approved, or as modified and approved, as the official plan of the said district. If said board of directors shall reject said plan, then said board shall proceed as in the first instance

Notice of
location
on plan.

Approval
of state
engineer.

Adoption.

under this section to prepare another plan. Upon final adoption of said official plan, a record of such adoption shall be entered upon the minutes of the board and shall be filed with the secretary together with the approval of the state engineer.

Power of directors.

SEC. 12. The board of directors shall have full power and authority to devise, prepare for, execute, maintain and operate any or all works or improvements necessary or desirable to complete, maintain, operate and protect the improvement outlined by the official plan. They may secure and use men, materials and equipment under the supervision of the chief engineer or other agents, or they may in their discretion let contracts for such works, either as a whole or in part, to the lowest responsible bidder after publication calling for bids as hereinafter provided.

Right to enter lands to make surveys, etc.

SEC. 13. The board of directors of any district organized under this act, or their employees or agents, including contractors, and their employees, and the members of the board of appraisers and their assistants may upon first obtaining an order of court enter upon lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done, but no unnecessary damage shall be done. Any person or corporation preventing such entrance shall be guilty of misdemeanor, punishable by fine not exceeding fifty dollars.

Powers of directors to perform work.

SEC. 14. In order to effect the protection from damage by flood waters or the drainage, reclamation or irrigation of the land and other property in the district, and to accomplish all other purposes of the district, the board of directors is authorized and empowered, subject to the laws of this state, to clean out, straighten, widen, alter or deepen the course or terminus of any conduit, pipe line or ditch, drain, sewer, river, water course, wash, pond, lake, creek or natural stream, to plant trees for the protection of the same or to forest or reforest lands for the conservation of flood water, to establish settling basins, shafts or tunnels for sinking water and to construct dams in or out of said district; to fill, abandon or alter any ditch, drain, sewer, river, water course, wash, pond, lake, creek or natural stream, and to concentrate, divert or divide the flow of water in or out of said district; to construct and maintain main and lateral conduit pipe lines or ditches, sewers, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and siphons, and any other works and improvements deemed necessary to construct, preserve, operate or maintain the works herein provided for, and subject to approval of general plan therefor by the officer or officers in charge of such highways to construct or enlarge or cause to be constructed or enlarged any and all public bridges that may be needed in or out of said district; to construct or elevate

roadways and streets in the manner herein provided; to construct any and all of said works and improvements across, through or over any public highway, canal, railroad right of way, track, grade, fill or cut, in or out of said district, as herein provided; to remove or change the location of any fence, building, railroad, canal, or other improvements in or out of said district as herein provided; and shall have the right to hold, encumber, control, to acquire by donation, purchase or condemnation, to construct, own, lease, use and sell real and personal property, and any easement, riparian right, railroad right of way, canal, sluice, reservoir, settling basin, holding basin, mill dam, water power, wharf, or franchise in or out of said district for right of way, holding basin or for any necessary purpose, or for material to be used in constructing and maintaining said works and improvements, open new roads, streets and alleys, or change the course of an existing one, as herein provided, and may dispose of waters conserved for irrigation as herein provided; *provided, however,* that the powers in this act vested in said board of directors are vested subject to the conditions, restrictions and limitations imposed by the public utilities act of the State of California and the act of the State of California creating the water commission, and the reclamation board act of the state, and subject to the powers therein vested in the said railroad commission and the said water commission and the said reclamation board of this state; *and provided, further,* that the approval of the officer or officers in charge of public highways be first had before any public highway, alley, lane, or bridge or appurtenance thereto be in any manner interfered with.

Limitations
on powers.

SEC. 15. When it is determined to let the work by contract, contracts in amounts to exceed one thousand dollars shall be let after notice calling for bids shall have been published, once a week for three consecutive weeks completed on date of last publication, in at least one newspaper of general circulation within said district, or in case there is no such newspaper within the district, then within the county where the work is to be done, and the board may let said contract to the lowest or best bidder who shall give a good and approved bond, with ample security, conditioned on the carrying out of the contract, or the board may reject all bids and readvertise for the same. But said contract shall not be let to another than the lowest responsible bidder unless upon a hearing before the board of directors, and with notice to all parties interested, an order be obtained therefor. Such contract shall be in writing, and shall be accompanied by or shall refer to official plans and specifications for the work to be done, prepared by the engineer of said district in accordance with said final plan. Said contract shall be approved by the board of directors and signed by the president of the board and by the contractor, and shall be executed in duplicate; *provided,* that in case of sudden emergency

Letting of
contracts.

when it is necessary in order to protect the district, the advertising of contracts may be waived upon the unanimous consent of the board of directors in writing.

Right of eminent domain.

SEC. 16. Said board, where necessary for the purposes of this act, shall have a right of eminent domain subject to the rights and powers vested in the railroad commission of this state.

Right to condemn property.

SEC. 17. Said board shall also have the right, subject to the powers and rights vested by law in the state railroad commission, to condemn for the use of the district any land or property within or without said district.

Regulation of ditches.

SEC. 18. Where necessary, in order to secure the best results from the execution and operation of the plans of the district, or to prevent damage to the district by deterioration or misuse, or by the pollution of the waters, of any water course therein, the board of directors may make regulations for and may prescribe the manner in which existing ditches or other works shall be adjusted to or connected with the works of the district or any water course therein; and when not in conflict with local or state health regulations may prescribe the manner in which the water courses of the district may be used for sewer outlets or for disposal of waste; *provided, however,* that the consent of the properly constituted local or state health officer or officers be first obtained.

Consent of health officers.

Power to change water-course, etc.

SEC. 19. The board of directors, subject to such regulations as may be imposed by law, shall have power and authority to improve in alignment, section, grade or in any other manner any water course, and they may require the removal, widening, lengthening, deepening, raising or other change of any public or private road bridge or railroad bridge or any aqueduct or telephone, telegraph, gas, oil, sewer, water or other pipe lines or any other construction over, along, across, under or through such water course; *provided, however,* that no change shall be made in any public bridge, highway, ditch, or other public structure without the consent of the public officer or officers in charge of the same be first had and obtained. In case such change is made necessary in any such structure by the failure of such bridge or other structure to permit the free flow of the water in such stream in time of flood, then the owner of any such construction shall make such change without cost to the district, or without any claim for damages against the district, except that the district shall pay the cost of excavating the earth for the enlargement of any channel or for placing earth for the filling of any channel where such excavation or filling is required as a part of plans of the district in making the changes outlined in this section, but the district shall not be required to make such fill or excavation unless it would be necessary to the plans of the district if the bridge or other construction did not exist; *provided, however,* that nothing herein contained shall deprive any owner of property of due process of law in determining the amount of damages due him

for property damaged or taken for the uses herein stated; and *provided, further*, that in all things where the railroad commission of this state is empowered to act by the laws of this state their sanction to any act must first be had.

Sec. 20. In case it is necessary to pass any dredge boat or other equipment through a bridge or grade of any railroad company or other corporation, county or municipality, the board of directors shall give twenty days' notice to the owner of said bridge or grade that the same shall be removed temporarily to allow the passage of such equipment or that an agreement be immediately entered into in regard thereto. The owner of said bridge or grade shall keep an itemized account of the cost of the removal, and, if necessary, of the replacing of said bridge or grade, and said actual cost shall be paid by the district. In case the owner of said bridge or grade shall refuse to provide for the passage of said equipment, the board of directors may remove such bridge or grade at the expense of the district after proceeding according to law so to do, interrupting traffic in the least degree consistent with good work and without delay or unnecessary damage; *provided*, that, where required by law, the consent of the railroad commission of the state is first obtained. In case they shall be impeded from doing so, the owner of said bridge or grade shall be liable for damage for the resulting delay. Nothing in this act specified to be done affecting any public bridge or highway shall be undertaken without first obtaining the consent in writing of the officer or officers of the county or city or state having supervision of such bridge or highway in which such improvement is contemplated.

Moving
dredge boat
through
bridge
or grade

Sec. 21. The board of directors shall also have the right to establish and maintain stream gages, rain gages, a flood warning service with telephone or telegraph lines or telephone or telegraph service, and may make such surveys and examinations of rainfall and flood conditions, stream flow and other scientific and engineering subjects as are necessary and proper for the purposes of the district, and they may issue reports of their findings.

Stream
gages, etc.

Sec. 22. The board of directors shall also have the right and authority to enter into contracts or other arrangements with the United States government or any department thereof, with persons, railroads or other corporations, with public corporations, and the state government of this or other states, with protection, flood control, drainage, conservation, conservancy, levee or other improvement districts, in this or other states, for co-operation or assistance in constructing, maintaining, using and operating the works of the district or the waters thereof, or for making surveys and investigations or reports thereon; and may purchase, lease or acquire land or other property in adjoining states in order to secure outlets or for other purposes of this act, and may let contracts or spend money for securing such outlets or other works in adjoining states.

Co-operation
with U. S.
government,
etc.

Appropriation of increased water supply.

Sec. 23. Wherever the organization of or the improvements made by the district increase the supply of water in the stream or stream system such increase may be subject to appropriation by the district, and the rights to such increase where lawfully appropriated may be leased, sold, or assigned by the district in return for reasonable compensation, subject, however, to such regulation and control as may be reposed by law in water commission or other office, agency or department of the State of California.

Application to use waters appropriated.

Persons, corporations, municipalities, or other parties desiring to secure use of the waters lawfully appropriated by the district for protection against flood damage, or water courses of the district, or of the district rights therein, which may have been acquired by appropriation under the laws of this state, may, subject to the regulations and conditions authorized by law to be imposed by the state water commission, make application to the board of directors for lease, purchase, or permission for such use. Such application shall conform to the rules and regulations of the state water commission and state the purpose and character of such use, the period and degree of continuity of such use, the amount of water desired and the place of use and the means of conveyance. Where it is not possible nor reasonable to grant all applications, preference shall be given to domestic and municipal water supply. All other applications shall be granted in the order of their filing and shall be granted subject to the applicable provisions of the said water commission act and to said public utility act and other acts of the State of California now in force.

Rights of municipalities.

Nothing in this act contained shall be deemed or construed to limit the rights of municipalities in the exercise of the right of eminent domain under the laws of the State of California.

Term of lease, etc

The board of directors shall not permanently sell, lease, assign, permit or otherwise part with the control by the district of the use of the waters thereof, and rates for light, power or other services charged by vendees, assignees, lessees or licensees of such board of directors shall be subject at all times to revision and control by state law. Assignments, leases, sales or permissions may be made for periods of not greater than twenty-five years. At the termination of the period of such assignments, sales, leases or permissions, they shall be renewed for a reasonable period not to exceed fifteen years, on the condition that a new determination is made of a reasonable charge therefor, as herein provided; unless there are other applications on file, the granting of which would result in filling a greater need or in a more reasonable use. In case such applications are on file, they shall have preference.

Regulations for purpose of determining rates.

The board of directors may make regulations, subject always to the applicable provisions of the said water commission act and the said public utilities act of the State of California, and other act or acts of said state, for the determination and measurement of the increased, or better, or more convenient use of,

or benefit from the water supply of the district, for the purpose of determining rates of compensation, and for the purpose of securing to all parties interested the greatest and best use of the water thereof. A copy of such regulations shall be transmitted to the state water commission for its approval and to the railroad commission of the State of California, accompanied by a request for the fixing of rates by said commission for said district. Said commission shall thereupon proceed to fix said rates in the manner provided by law and report the same to said board of directors. In case of failure of any user to pay for use in the manner specified by order of the court, the board may compel payment, and may enjoin further use until such payment is made. The rights under any lease or sale shall not extend to a change of use, or of place, time or manner of use, except in so far as is specifically stated in the lease or other agreement.

Rates fixed
by railroad
commission.

All money received as compensation under the provisions of this section shall be added to the maintenance fund of the district and used for defraying the expenses thereof.

As a basis for assessment of benefits due to a greater, better, or more convenient use of, or benefit from, the waters of the district the directors of the district may themselves cause a determination to be made or may avail themselves of data in the hands of the said state water commission of the conditions of the water supply and of the watercourses of the district as they were before the improvements were made, or as they existed at any subsequent time, and they may petition the state water commission to make a determination of all rights, property, easements, or other interests in the waters, or the watercourses of the district, such determination being based upon records of greatest and least flow, upon the evidence of use, or evidence of legal rights, and upon any other evidence and records which may be available, and upon receipt of such petition it shall become the duty of the state water commission to immediately proceed to ascertain the same and to report to said board of directors their findings. Upon the completion of such determination and the receipt of a report thereof by them, the directors of the district shall make their report thereon and file the same with the secretary of said district. Thereupon notice shall be given of the pendency of said report and a hearing thereon, which notice and hearing shall conform as nearly as possible to the notice and hearing on appraisals of benefits and of land to be taken. Upon the determination of the matter by the board of directors, its findings shall be conclusive, and shall be the basis of any future assessment; *provided*, that in case any party shall thereafter establish in court or through the action of the state water commission any right or property in the waters of the district, or the use thereof, which has not been adjudicated, the existence of such

Determina-
tion of water
rights, etc.

right, or the failure to adjudicate it, shall not affect the operation of this provision nor the findings of the board of directors thereon in any other particular.

The appraisal of benefits made by the appraisers of the district shall not include benefits for such greater, better or more convenient use of, or benefit from the waters of the district, but the compensation for such use or benefits shall be made according to the provisions of this section.

Board of
appraisers.

SEC. 24. At any suitable time after having taken their oath of office, the board of directors shall appoint three appraisers whose duty it shall be to appraise the lands or other property within and without the district to be acquired for rights of way, reservoirs and other works of the district, and to appraise all benefits and damages accruing to all lands within or without the district by reason of the execution of the official plan. Said appraisers shall be freeholders residing within the State of California, who may or may not own lands within said district. Each of the appraisers shall, before taking up his duties, take and subscribe to an oath that he will faithfully and impartially discharge his duties as such appraiser, and that he will make a true report of such work done by him. The said appraisers shall at their first meeting elect one of their own number chairman, and the secretary of the board of directors or his deputy shall be ex officio secretary of said board of appraisers during their continuance in office. A majority of the appraisers shall constitute a quorum, and a concurrence of the majority in any matter within their duties shall be sufficient for its determination. Said appraisers shall continue to hold their office until dismissed by the board of directors, and the board of directors shall fill all vacancies in the board of appraisers, or may appoint a new board for subsequent appraisals, as occasion may require. Such new board, if appointed, shall fill all the requirements of the board of appraisers of the district, and perform its duties.

Appraisal of
benefits and
damages.

SEC. 25. When the official plan is adopted and filed with the secretary of the district and said appraisers have been appointed he shall at once notify the board of appraisers, and they shall thereupon proceed to appraise the benefits of every kind to all real property within or without the district, which will result from the organization of said district and the execution of the official plan; and also to appraise the damages sustained and the value of the land and other property necessary to be taken by the district for which settlement has not been made by the board of directors. In the progress of their work, they shall have the assistance of the attorney, engineers, secretary and other agents and employees of the board of directors.

The board of appraisers shall also appraise the benefits and damages, if any, accruing to property or interests in properties of cities, counties and other public corporations, and to the State of California.

Before appraisals of compensation and damages are made, the directors of the district may report to the appraisers the parcels of land or other property, or any other works to be done, included within the powers granted under the act they may wish to purchase and for which they may wish appraisals to be made, both for easement and for purchase in fee simple. The board may, if it deems best, specify in case of any property the particular purpose for which and the extent to which an easement in the same is desired, describing definitely such purpose and extent. The appraisers shall appraise all damages which may, because of the execution of the official plan, accrue to real or other property either within or without the district, which damages shall also represent easements acquired by the district for all the purposes of the district, unless otherwise specifically stated. Upon such appraisals being confirmed by the board of directors, the board of directors of the district shall have the option of paying the entire appraised value of the property and acquiring full title to it (in fee simple), or of paying only the cost of such easement for the purposes of the district. The appraisers in appraising benefits and damages shall consider only the effect of the execution of the official plan. The appraisers in making appraisals shall give due consideration and credit to any other works or other systems of reclamation already constructed, or under construction, which form a useful part of the work of the district according to the official plan. Where the appraisers return no appraisal of damages to any property, it shall be deemed a finding by them that no damage will be sustained.

Appraisal of property for purchase.

SEC. 26. If the appraisers find the lands or other property not embraced within the boundaries of the district will be affected by the proposed improvement, or should be included in the district, they shall appraise the benefits and damages to such land, and shall file notice with the board of directors of the appraisal which they have made upon the lands beyond the boundaries of the district.

Lands outside district.

SEC. 27. The board of appraisers shall prepare a report of its findings which shall be arranged in tabular form and bound in book form, and which shall be known as the conservancy appraisal record. Such record shall contain the names of the owners of property appraised as it may appear on the last assessment roll of the county, a description of the property appraised, the amount of benefits appraised, the amount of damages appraised, and the appraised value of land or other property which may be taken for the purposes of the district. They shall also report any other benefits or damages or any other matter which in their opinion should be brought to the attention of the board of directors. No error in the names of the owners of real property or in the descriptions thereof shall invalidate said appraisal or the levy of assessments or taxes based thereon, if sufficient description is given to identify such real property.

Report of board of appraisers.

When their report is completed, it shall be signed by at least a majority of the appraisers and filed with the secretary.

Notice of hearing on appraisals

SEC. 28. Upon the filing of the report of the appraisers, the secretary of the district shall give notice thereof by publication. Said notice shall be substantially as in form six of the schedules hereto attached. It shall not be necessary for said secretary to name the parties interested.

Description of lands.

It shall not be necessary to describe the separate lots or tracts of land in giving said notice, but it shall be sufficient to give such descriptions as will enable him, the owner, to determine whether or not his land is covered by such description. For instance, it will be sufficient to state "all land lying in block ----- of the town of -----" or, "all land abutting on ----- street in the town of -----," or "all land lying west of ----- river and east of ----- railroad in ----- township," or any other general description pointing out the lands involved and identifying the same.

Where lands in different counties are mentioned in said report it shall not be necessary to publish a description of all the lands in the district in each county, but only of that part of the said lands situate in the county in which publication is made.

Hearing of objections.

SEC. 29. Any property owner may accept the appraisals of benefits and of damages and of lands to be taken made by the appraisers, or may acquiesce in their failure to appraise damages, and shall be construed to have done so unless he shall within ten days after the last publication provided for in the preceding section file objections to said report. All objections shall be heard by the board of directors, beginning not less than twenty nor more than thirty days after the last publication provided for herein, and determined in advance of other business so as to carry out, liberally, the purposes and needs of the district. The board of directors, if it deem necessary, may alter or amend said report in accordance with such objection or any of them, or may return the report to the board of appraisers for their further consideration and amendments, and enter its order to that effect. If, however, the appraisal roll as a whole is referred back to the appraisers, the board of directors shall not resume the hearing thereof without due notice, as for an original hearing thereon.

Approval of report.

SEC. 30. If it appears to the satisfaction of the board of directors after having heard and determined all said objections that the estimated cost of constructing the improvement contemplated in the official plan is less than the benefits appraised, then the said board shall approve and confirm said appraisers' report as filed or as so modified and amended. In case the board of directors shall find that the benefits appraised are less than the estimated total costs, it shall report the fact to the board of supervisors who shall disorganize the district after having provided for the payment of all expenditures by an order of said board abandoning all proceedings.

Disorganization of district on disapproval of report.

SEC. 31. If after the approval of the appraisers' report the said board of directors deems it necessary to proceed by condemnation to acquire for the district property to carry out the official plan of the district, it may proceed so to do, under and by virtue of the laws of the State of California, and the passage of a resolution by said board that the lands to be acquired are for a public use shall be conclusive of that fact.

Condemnation of additions of property.

SEC. 32. The board of directors may at any time before the conclusion of the hearing thereon and the approval by the state engineer, when necessary to fulfill the objects for which the district was created, alter or add to the official plan as in section eleven provided, and when such alterations or additions are formally approved by the said board and by the state engineer and are filed with the secretary, they shall become parts of the official plan for all purposes of this act. Where such alterations or additions in the judgment of the said board neither materially modify the general character of the work, nor materially increase resulting damages for which the board is not able to make amicable settlement, nor increase the cost more than ten per cent, no reappraisal shall be necessary. In case the proposed alterations or additions in the opinion of the board materially modify the resulting damages or materially reduce the benefits, for which the board of directors is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than ten per cent, the board of directors shall direct the board of appraisers (which may be the original board or a new board appointed by the board of directors) to appraise the property to be taken, benefited or damaged, by the proposed alterations or additions. Upon the completion of the report thereon by the board of appraisers notice shall be given and a hearing had on their report in the same manner as in the case of the original report of the board of appraisers; *provided*, that where only a few landowners are affected, the secretary of the district may, on order of the board of directors, if found by them to be more economical and convenient, give personal notice to such landowners of the hearing of the report of said appraisers, instead of notice by publication; *and provided*, that when the only question at issue is additional damages or reduction of benefits to property, due to modifications or additions to the plans, the board of directors may, if they find it practicable, make settlements with the owners of the property damaged or benefited, instead of having appraisals made by the board of appraisers. In case such settlements are made, notice and hearing need not be had. After bonds have been sold, in order that their security may not be impaired, no reduction shall be made in the aggregate amount of benefits appraised against property in the district.

Alterations or additions to plan.

Validity of proceeding not affected by fault.

SEC. 33. No fault in any notice or other proceedings shall affect the validity of any proceeding under this act except to the extent to which it can be shown that such fault resulted in a material denial of justice to the property owner complaining of such fault if any appraisal of benefits shall be declared ineffectual by any court.

The board of directors may render a finding as to the amount of benefits to said property, and appraise the proper benefits accordingly, and thereupon said land shall be assessed according to such benefits.

District funds.

SEC. 34. The moneys of every conservancy district organized hereunder shall consist of four separate funds: (1) Preliminary fund, by which is meant the proceeds of the ad valorem tax authorized by this act and such advancements as may be made from the general county funds as provided in this act; (2) bond fund, by which is meant a fund raised by the issuance and sale of bonds of the district; (3) improvement warrant fund, by which is meant the proceeds of levies made against the special assessments of benefits equalized and confirmed under the provisions of this act; and (4) maintenance fund, which is a special assessment to be levied annually for the purpose of upkeep, administration and current expenses as hereinafter provided. It is intended that the cost of preparing the official plan, the appraisal (except as paid out of the preliminary fund) and the entire cost of construction and superintendence, including all charges incidental thereto, and the cost of administration during the period of construction, shall be paid out of the bond fund.

No vouchers shall be drawn against the preliminary fund (except for advances from the general county funds) or against the maintenance fund until a tax-levying resolution shall have been properly recommended by the board of directors and passed by the board of supervisors and duly entered upon its records; no bonds shall be issued against the bond fund until a tax-levying resolution shall have been properly recommended by the board of directors and passed by the board of supervisors and duly entered upon its records; no moneys shall be transferred from the improvement warrant fund except by order of the board of supervisors, upon recommendation of the board of directors.

Payment of preliminary expenses.

SEC. 35. If the district is not organized, then the costs of publication and other official costs of the proceedings shall be collected by the county from the petitioners or their bondsmen, paid into the county treasury and there held in a separate fund against which warrants may be audited and drawn on the order of the board of supervisors, as other warrants of the county are audited and drawn. Upon the organization of the district, the board of supervisors shall make an order indicating a preliminary division of the preliminary expenses between the counties included in the district in approximately the proportions of interest of the various counties as may be estimated by said board of supervisors.

And the board of supervisors of each respective county shall issue an order to the auditor of its respective county to issue his warrant for the pro rata amount to be paid that county, upon the treasurer of his county to reimburse the county having paid the total cost; *provided, however*, that the joint board of supervisors shall first determine at a previous meeting the pro rata amount to be borne by each county and shall determine the same upon a basis of the assessed value of property benefited in the district in each county.

Expenses incurred thereafter prior to the receipt of money by the district from taxes or assessments, bond sales, or otherwise, shall be paid from the general funds of the respective counties proportionately upon the order of the board of supervisors, and shall be paid upon certification of the clerk of the board of supervisors of such order, specifying the amount and purpose of the claims to the auditor of each county, who shall thereupon at once issue his warrant to the treasurer of his county. Upon receipt of funds by the district from the sale of bonds or by taxation or assessment the funds so advanced by the counties shall be repaid.

Advance of funds by counties.

As soon as any district shall have been organized under this act, and a board of directors shall have been elected and qualified, such board of directors shall recommend to the board of supervisors and the board of supervisors shall have the power and authority to levy upon the property within the district an assessment not to exceed three-tenths of a mill on each one hundred dollars of the assessed valuation thereof as a level rate to be used for the purpose of paying expenses of organization, for surveys and plans, and for other incidental expenses which may be necessary up to the time money is received from the sale of bonds or otherwise. This assessment shall be certified to the auditors of the various counties having property within the district and by them to the respective treasurers of their counties. If such items of expense have already been paid in whole or in part from other sources, they may be repaid from the receipts of such levy, and such levy may be made although the work proposed may have been found impracticable or for other reasons is abandoned. The tax collector shall at once proceed to collect said assessment and the collection of such assessment levy shall conform in all matters to the collection of taxes and assessments for the district outlined in this act, and the same provisions concerning the non-payment of taxes shall apply. In case a district is disbanded for any cause whatever before the work is contracted, the data, plans and estimates which have been secured shall be filed with the clerk of the board of supervisors with which the petition thereupon was filed, and shall be matters of public record available to any person interested.

Tax levy for incidental expenses.

SEC. 36. If any warrant issued by the board of directors is presented for payment and is not paid for want of funds in the treasury, that fact with the date of refusal shall be endorsed on the back of such warrant, and said warrant shall thereafter

Interest on unpaid warrants.

draw interest at the rate of six per cent, until such time as there is money in the treasury of said district sufficient to pay the amount of said warrant with interest.

Bond issue
to complete
works.

SEC. 37. At any time after the adoption of the original official plan the board of directors may by majority vote of said board adopt and enter on their minutes a resolution estimating the amount of money needed to complete the works according to said official plan and authorizing and directing a petition to be filed with the board of supervisors of the county in which the original petition for the organization of the district was filed, requesting that a special election be called to submit to the electors of the district qualified under this act the question of incurring an indebtedness in the amount specified in said resolution. Said petition shall set forth the amount of bonds to be issued, the rate of interest to be paid, which shall not exceed six per cent per annum and in general terms the objects and purposes for which the indebtedness is to be incurred. After the filing of said petition the board of supervisors shall without delay call a special election and submit to the electors of said district, qualified under the provisions of this act, the proposition of incurring a bonded debt in the amount estimated by the board for the construction of the works in accordance with said official plan.

Additional
issues.

If the amount of money provided in the original bond issue is not sufficient to complete the work according to the official plan nothing herein contained shall prohibit the board of directors from filing petitions for additional issues of bonds in the same form and manner hereinabove set forth for the original issue of bonds. The plan and procedure for the original issue of bonds shall be followed for all subsequent issues of bonds.

Ordinance
calling
election.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; *provided*, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the official plan on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per centum per annum.

Rate of
interest.

Election
precincts.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general

election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause so much of said official plan as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every elector of said district qualified under the provisions of this act who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in a daily, or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given. Publication of ordinance.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided. All bonds issued under this act shall mature serially in equal annual amounts of not less than one-fortieth part of the aggregate principal in each year, and their principal and interest shall be made payable at the county treasurer's office of the main county; in United States gold coin. 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; the denominations of the bonds, which shall be not less than one hundred dollars nor more than one thousand dollars; the dates of payment of principal and interest, and the serial numbering of the bonds and coupons. Said bonds shall be signed on behalf of the district by the chairman of the board of supervisors of the main county and by the auditor of said county, and the coupons shall be signed by the engraved or lithographed facsimile signature of such auditor; and when so signed said bonds and coupons shall be delivered for safe keeping to the county treasurer of said main county, who shall deliver them to the purchaser or purchasers thereof on receipt of the purchase price. If any officer signing shall cease to be such officer before the delivery of the bonds to the purchaser, such signature shall nevertheless be valid and effectual. Said bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of sale thereof, including any premium received at such sale, shall be Majority vote.
Form of bonds.
Sale of bonds.

Tax to pay
interest and
principal.

deposited in the county treasury to the credit of the construction fund of the district. Payments from said fund shall be made by the county treasurer upon demands signed by the president and secretary of the district and approved by resolution of the board of directors, each of which demands shall recite that it is drawn in payment of work to be done under said official plan, or for expense incidental thereto. Bonds issued under this act shall constitute a continuing lien upon all property within the district. The board of supervisors shall levy a tax each year upon the taxable property in such district, sufficient (when added to the district bond fund in the county treasury available therefor) to pay the annual interest on said bonds, and also such part of the principal thereof necessary to be collected as will become due before the collection of the next general tax levy. Such tax shall be levied and collected on such property in each county containing any part of the district at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid by the treasurer of each county into the county treasury of the main county to the credit of the district bond fund, to be used for the payment of the principal and interest of said bonds and for no other purpose. The treasurer shall pay therefrom the principal and interest of said district bonds in the manner provided by law for payment of county bonds.

The provisions of the Political Code prescribing the manner and effect of levying, equalizing and collecting taxes, the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers in respect thereto, so far as they do not conflict with the specific provisions of this act, are hereby adopted and made applicable to the levy and collection of said taxes for the payment of bonds. Such officers shall be liable on their official bonds for the faithful discharge of the duties imposed on them by this act.

Partial sale
or pledge.

If at the time the bonds are ready to be issued, the board shall be of the opinion that such bonds can not advantageously be issued and sold in whole, the board may sell parts only of the entire issue or may pledge all or part of said issue as collateral to a loan, but no partial sale or pledge shall be made without the order of the board made and entered of record, and no pledge shall be made at a greater margin than at the rate of one hundred dollars of bond principal for ninety dollars of loan.

The district may secure the payment of loans from the United States government in the same manner as it may secure the payment of bonds, and the board of directors may make any necessary regulations to provide for such payments.

Validity
of bonds.

This act shall, without reference to any other act of the legislature of California, be full authority for the issuance and sale of the bonds in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and when executed and sealed and certified to by the state treasurer in conformity with the provisions of this act, and

when sold in the manner prescribed herein and the consideration therefor received by the district, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestible in the hands of bona fide purchasers or holders thereof for value. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are required by this act. Whenever the owner of any coupon bond issued pursuant to the provisions of this act shall present such bond to the treasurer of the district with a request for the conversion of such bond into a registered bond, the said treasurer shall cut off and cancel the coupons of any such coupon bond so presented and shall stamp, print or write upon such coupon bond so presented, either upon the back or the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter and from time to time, such bond may be transferred by such registered owner in person or by attorney duly authorized on presentation of such bond to the treasurer of the district and the bond again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be substantially in the following form:

Conversion
into regis-
tered bond

(Date, giving month, year and day.)

This bond is registered pursuant to the statutes in such case made and provided, in the name of (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

Statement
on regis-
tered bond.

Treasurer ----- conservancy district.

If any bond shall be registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. The treasurer of the district shall enter in a register of said bonds to be kept by him or in a separate book, the fact of the registration of such bond and the name of the registered owner thereof, so that said registry or book shall at all times show what bonds are registered and the name of the registered owner thereof.

SEC. 38. Bonds of any district issued pursuant to the provisions of this act which are investigated and approved by any commission or officer now or hereafter authorized by the laws of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks may be lawfully purchased or received in pledge for loans by banks, trust companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state, or of any county, city, city and county or other municipal or corporate body within the state having or holding funds which they are allowed by law to invest or loan.

Bonds legal
investments.

Improvement warrants.

SEC. 39. Upon the adoption of the report of appraisers hereinbefore referred to, the board of directors shall certify said report to the board of supervisors. The board of supervisors shall levy against the respective parcels of property within the district the sum set forth in said report of appraisers assessed to the respective parcels of property as therein set forth for special benefits. The board of supervisors shall thereupon issue what shall be known as improvement warrants, under the provisions of this act, to represent such special assessments against each parcel of land, in the form and manner and with the effect in this act provided. Said improvement warrants shall be numbered consecutively, their said numbers corresponding with the numbers given to the respective parcels of land as shown upon the map accompanying the general plan, and shall be deemed to refer to said map. The respective special assessments so levied, as evidenced by said improvement warrants, shall bear the same rate of interest per annum from the date of the issuance of the said warrants until paid as is borne by the district bonds hereinbefore authorized to be issued, and said interest, together with a sum equal to the first installment of principal, plus one per cent of said principal, shall be paid semiannually at the treasury of said district. Said assessments shall be apportioned by said board of supervisors over a period of twenty-six years, both principal and interest payable at the office of the treasury of said district. The said improvement warrants issued to evidence said assessments shall be attested by the seal of said district, and shall be signed by the secretary of the board of directors, and shall be a lien for the amount indicated on the face of such warrants, viz, the amount of said special assessment, together with accrued interest, if any, against the specific parcels of land to which the said improvement warrants respectively refer. Payment of the annual installment of the principal of said assessment, as evidenced by said improvement warrants, together with accrued interest, shall be due on the first day of July and January of each year, and the first payment shall be due on the first day of July next following the date of the issuance of such improvement warrant. In case of default in the payment of any installment of the principal provided for in said improvement warrant, or interest accrued on deferred payments, then and in that event the entire remaining unpaid installments shall become immediately due and payable, and the same, and all liens which are security therefor, may be collected and enforced as in this act provided. Said improvement warrants shall be in the following, or substantially the following form, and of effect as therein stated:

Form of improvement warrant.

IMPROVEMENT WARRANT NO. -- OF ---- CONSERVANCY DISTRICT.

\$.----- (Date)-----

This improvement warrant, known as and numbered improvement warrant number ----- of the ----- conservancy district, is issued to represent an assessment for

benefits to the amount of \$-----, levied in the ----- conservancy district, State of California. The amount herein stated is the amount assessed in said assessment against the lot or parcel of land numbered ----- in the report of appraisers on file herein, and in the diagram attached thereto, and which said amount has been divided into fifty-two equal installments of principal, one installment of which, together with accrued interest, is to be paid semiannually, and which said amount, except as indicated on the back hereof, remains unpaid, and until entirely paid, with accrued interest, is a first lien upon the property affected thereby, and as the same is described herein and in said recorded assessment with its diagram, to wit, the lot or parcel of land in the ----- conservancy district, county of -----, State of California, described as follows: -----

Form of
Improvement
warrant.

The term of this improvement warrant is twenty-six years from July 1, 19--, and at the expiration of said time the whole sum then unpaid, together with accrued interest, shall be due and payable. but on the first days of July and January of each year after the date hereof, an even semiannual proportion of its principal is due and payable until the whole is paid, with accrued interest, at the rate of ---- per cent per annum. The interest on deferred payments is payable semiannually, on the first day of July and January in each year hereafter until paid, the first of which is due for the interest from date to the first day of July, 19-- and thereafter the interest payments are for the interest due on all deferred payments. Should default be made in the first or any succeeding payments of principal, or in any payment of interest by the owner of said lot or parcel, or anyone in his behalf, the district is entitled to declare the whole unpaid amount to be due and payable, and thereupon have a right to collect the same and to enforce all liens which are security therefor, as by law provided, and as in the case of unpaid state and county taxes.

Issued by order of the board of supervisors this ----- day of -----, 19--.

Secretary of the board of directors of the
----- conservancy district.

Amounts due on said improvement warrants shall be payable to the district treasurer, and no mistake or error in the description in said warrant or in the description of the lot or parcel of land assessed shall affect the validity of the lien of any improvement warrant, unless the mistake or error is such that the said lot or parcel of land can not be identified, and in such event, the same, by order of the board of directors, may be corrected upon application to the treasurer and to the

officers or board who or which made the assessment to represent which such warrant is issued.

Record of
improvement
warrants.

SEC. 40. The treasurer of the district shall enter in a book kept for that purpose in his office a record of each improvement warrant issued hereunder, specifying the date of its issue, the amount for which issued, its duration, and a description of the lot or parcel against which issued. Payments of principal and interest on account of any warrant issued hereunder shall be made to the treasurer of the district, who shall keep a separate account of all such payments, entering the same in the record herein required to be kept, and credit the same on the back of the warrant, and place the same in appropriate funds for the payment of principal and interest of the improvement warrants on account of which paid.

Amount of
warrant lien
on property.

SEC. 41. Such warrants issued hereunder shall by their issuance be conclusive evidence of the regularity and validity of all proceedings thereto. The amount due upon any such improvement warrant shall be a lien upon the lot or parcel described in such improvement warrant, superior to all other liens, charges and encumbrances until paid, except the liens of prior assessments and of state, county and municipal taxes, assessments levied or assessed by statutory authority and taxes levied to pay off the principal and interest of the bonds hereinbefore referred to.

Improvement
warrant
fund.

SEC. 42. The proceeds derived from the payments of such improvement warrants shall be paid into what shall be known as the improvement warrant fund of the district, to represent, and shall represent, assessments for which said improvement warrants were issued. Upon recommendation of the board of directors, and upon order of the board of supervisors, proceeds received from the payment of the principal and interest of such improvement warrants shall be employed for the purpose of retiring the bonds of the district hereinbefore first authorized to be issued, and for no other purpose.

Sale of land
on default
of owner.

SEC. 43. Whenever, through the default of the owner of any lot or parcel of land against which any such improvement warrant or warrants is or are issued to represent the assessment and interest against such lot or parcel of land, payment of the principal or of the interest is not made when the same has become due, the treasurer of the district, upon order of the board of supervisors, shall proceed to advertise and sell said lot or parcel of land as herein provided, and provided there is money in any available fund so to do, the board of directors, in the name of the district, may buy in said lot or parcel of land. Thereupon the whole improvement warrant or its unpaid remainder, together with accrued interest, shall become due and payable immediately, and on the day following shall become delinquent.

Delinquent
improvement
warrants.

SEC. 44. If the payment of principal or interest of any improvement warrant issued shall become delinquent, as hereinbefore provided, the said treasurer shall publish twice in a newspaper of general circulation to be designated by him, published

in the city where his office is situated, a notice which must contain the date and number of the delinquent improvement warrant, a description of the property mentioned in said warrant, and the name of the owner of such property, if known, and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said improvement warrant and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said improvement warrant will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said treasurer. A like notice shall be served upon any such owner, if known, either personally or by depositing the same in the post office at such city, addressed to such owner at his address if known, with the postage thereon prepaid. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act, may pay the whole amount of said improvement warrant then due, with costs, and said improvement warrant and the assessment evidenced thereby shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or of the person in possession, the property subject thereto shall be sold at public auction, first, preferably to the district; secondly, if the district does not bid therefor, to the bidder offering to pay the amount due on the warrant with costs for the least portion of such lot or parcel of land offered for sale.

Delinquent
improvement
warrants

SEC. 45. The district treasurer, before the day of sale hereinafter provided for, must file with the secretary of the board of directors a copy of the publication, with an affidavit of the publisher of such newspaper or some one in his behalf attached thereto, that it is a true copy of the same, and that the publication was made in a newspaper, stating its name and place of publication, and the date of each appearance in which such publication was made, which affidavit is prima facie evidence of all the facts stated therein.

Affidavit of
publication

SEC. 46. The treasurer of the district must collect, in addition to the amount due on such improvement warrant, the cost of the publication of such notice, and fifty cents for the certificate of sale delivered to the purchaser as hereinafter provided.

Added costs

SEC. 47. The treasurer of the district, before delivering any certificate of sale, must, in a book kept in his office for that purpose, enter the date, number and series of the improvement warrant, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, and regularly number the descriptions on the margins of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the records and on the improvement warrant

Record
of sale.

the words, "Canceled by sale of the property," giving the date of such sale.

Purchaser
divested
of lien

SEC. 48. Immediately on the sale, the purchaser shall become vested with the lien on the property so sold to him to the extent of his bid, and is only divested of such lien by the payment to the treasurer of the district of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from date of sale.

Redemption
of property
sold

SEC. 49. A redemption of the property sold may be made by the owner of the property or any party in interest within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the treasurer of the district he must credit the amount paid to the person named in his certificate and pay it on demand to him or his assignees.

Certificate
of sale filed

SEC. 50. On receiving the certificate of sale, the secretary must file it and make an entry in a book similar to that required of the treasurer of the district, the fee for which shall be fifty cents, and on presentation of the receipt of the treasurer of the district for the total amount of the redemption money, the secretary must, without charge, mark the word "Redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Deed to
property
sold

SEC. 51. If the property is not redeemed within the time allowed by the provisions of this act for its redemption, the treasurer of the district or his successor in office, upon application of the purchaser, or his assignee, must make to said purchaser or his assignee a deed to the property, reciting in the deed substantially the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the treasury of the district for the use of the district after payment has been made therefrom for the acknowledgment of said deed; *provided, however*, that the purchaser of the property, or his assignee or agent, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate of sale, and upon the party occupying the property if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the improvement warrant lien, and stating the date of sale, the number, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely until such notice shall have been given and such deed applied for, upon the payment of the fees, penalties and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the purchaser

applies for a deed, and no deed to the property sold in accordance with the provisions of this act shall be issued by the treasurer of the district to the purchaser of such property until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his services of such notice and the making of such affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

SEC. 52. The deed, when duly acknowledged or proven, shall be conclusive evidence of all things which the improvement warrant upon which it is based is conclusive evidence and prima facie evidence of the regularity of all proceedings subsequent to the issue of the warrant, and conveys to the grantee the absolute right to the lands described therein, free of all encumbrances except the lien for state, county and municipal taxes and assessments levied or assessed by statutory authority.

Deed
conclusive
evidence of
proceedings

SEC. 53. Nothing in this act contained shall be construed to deprive any person or persons whose land has been assessed, as evidenced by said improvement warrants, of the privilege of paying off and having said warrant canceled by the payment of the principal and accrued interest of said warrant at any time when payments may be made during the life of said warrant.

Paying off
warrant.

SEC. 54. To maintain, operate and preserve the reservoirs, ditches, drains, dams, levees, settling basins or settling wells, canals or other improvements made pursuant to this act and to strengthen, repair and restore the same, when needed, and for the purpose of defraying the current expenses of the district, the board of directors may recommend, and the board of supervisors upon such recommendation may upon the substantial completion of said improvements and on or before the first day of September in each year thereafter, levy an assessment upon each tract or parcel of land and upon property within the district, subject to assessments under this act, to be known as a "conservancy maintenance assessment." Said maintenance assessment shall be apportioned upon the basis of the total appraisal of benefits accruing for original and subsequent construction, and shall be levied, collected, audited and deposited in each county in which lands of said district are situate, in the same manner as county taxes are levied, collected, audited and deposited; *provided, however*, that said funds shall be deposited to the credit of the "conservancy maintenance assessment fund," hereby established.

Conservancy
maintenance
assessment

The amount of the maintenance tax paid by any parcel of land shall not be credited against the benefits assessed against such parcel of land; but the maintenance tax shall be in

addition to any tax that has been or can be levied against the benefit assessment.

Readjustment of appraisal of benefits.

SEC. 55. Whenever the owners or representatives of twenty-five per cent or more of the acreage or value of the lands in the district shall file a petition with the clerk of the district, stating that there has been a material change in the values of the property in the district since the last previous appraisal of benefits, and praying for readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment, the said clerk shall give notice of the filing and hearing of said petition in the manner hereinbefore provided.

Upon hearing of said petition if said board of directors shall find there has been a material change in the value of property in said district since the last previous appraisal of benefits, the board of directors shall order that there be a readjustment of the appraisal of benefits for the purpose of providing a basis upon which to levy the maintenance assessment of said district. Thereupon the board of directors shall direct the appraisers of the conservancy district to make such readjustment of appraisal in the manner provided in this act, and said appraisers shall make their report; and the same proceedings shall be had thereon, as nearly as may be, as are herein provided for the appraisal of benefits accruing for original construction; *provided*, that in making the readjustment of the appraisal of benefits said appraisals shall not be limited to the aggregate amount of the original or any previous appraisal of benefits, and that after the making of such readjustment the limitation of the annual maintenance assessment to one per cent of the total appraised benefits shall apply to the amount of the benefits as readjusted; *and provided*, *further*, that there shall be no such readjustment of benefits oftener than once in six years.

Invalid assessments.

SEC. 56. If any assessment made pursuant to the provisions of this act shall prove invalid, the board of directors shall by subsequent or amended acts or proceedings promptly and without delay remedy all defects or irregularities as the case may require by making and providing for the collection of new taxes or assessments or otherwise.

Collection of tax levied against county or city.

SEC. 57. Whenever, under the provisions of this act, an assessment is made or a tax levied against a county or city, it shall be the duty of the governing or taxing body of such political subdivision, upon receipt of the order of the board of directors which established the district, confirming the appraisal of benefits and the assessment based thereon, to receive and file the said order, and to immediately take all the legal and necessary steps to collect the same. It shall be the duty of the said governing or taxing body or persons to levy and assess a tax, by a uniform rate upon all the taxable property within the political subdivision, to make out the proper duplicate, certify the same to the auditor

of the county in which such subdivision is, whose duty it shall be to receive the same, certify the same for collection to the tax collector of the county, whose duty it shall be to collect the same for the benefit of the conservancy district, all of said officers above named being authorized and directed to take all the necessary steps for the levying, collection and distribution of such tax.

Nothing in this section shall prevent the assessment of the real estate of other corporations or persons situated within such political subdivision, which may be subject to assessment for special benefits to be received.

Every conservancy district formed or established under the provisions of this act, must be designated by the name and under the style of _____ conservancy 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. Designation of district.

The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof voting 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 conservancy district, or by thirty-three per cent of the property owners and residents, 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. 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 conservancy district shall vest in the board of supervisors of the county wherein such conservancy district is situated; *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 board of supervisors is hereby constituted ex officio the governing 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, as herein provided. Dissolution of district.

In the event of any dissolution or disincorporation of any conservancy district organized pursuant to the provisions of this act, such dissolution or disincorporation shall not affect the lien of any assessment for benefits imposed pursuant to the provisions of this act, or the liability of any land or lands in such district to the levy of any future assessments for the Lien not affected by dissolution.

Duty of officers in event of dissolution

purpose of paying the principal and interest of any bonds issued hereunder, and in that event, or in the event of any failure on the part of the officers of any district to qualify and act, or in the event of any resignations or vacancies in office, which shall prevent action by the said district or by its proper officers. it shall be the duty of the county tax collector and of all other officers charged in any manner with the duty of assessing, levying and collecting taxes for public purpose in any county, in which said lands shall be situated, to do and perform all acts which may be necessary and requisite to the collection of any such assessment which may have been imposed and to the levying, imposing and collecting of any assessment which it may be necessary to make for the purpose of paying the principal and interest of the said bonds. Any holder of any bonds issued pursuant to the provisions of this act or any person or officers being a party in interest, may either at law or in equity by suit, action or mandamus, enforce and compel performance of the duties required by this act of any of the officers or persons mentioned in this act.

Failure of tax collector to make prompt payment

SEC. 58. If any county tax collector or other person entrusted with the collection of these assessments refuses, fails or neglects to make prompt payment of the tax or any part thereof collected under this act to the treasurer of said district upon his presentation of a proper demand, then he shall pay a penalty of ten per cent on the amount of his delinquency; such penalty shall at once become due and payable and both he and his securities shall be liable therefor on his official bond.

Use of surplus funds.

SEC. 59. Any surplus funds in the treasury of the district may be used, upon resolution of the board of directors, for retiring bonds, reducing the rate of assessment to purchase lands sold for taxes or assessments, as hereinbefore provided, or for accomplishing any other of the legitimate objects of the district.

Report to board of supervisors.

At least once a year, or oftener if the board of supervisors shall so order, the board of directors shall make a report to the board of supervisors of its proceedings and an accounting of receipts and disbursements to that date which shall be filed with the clerk of the board of supervisors. Thereupon the board of supervisors shall order the auditing of said accounts by public accountants of recognized standing who shall file their report thereon with the clerk of the board of supervisors.

Per diem and expenses of directors, and appraisers

SEC. 60. Each member of the board of directors shall receive not to exceed ten dollars a day and his necessary traveling expenses, when away from home, for the time actually employed in performing his duties. Each appraiser shall receive not to exceed ten dollars a day and his expenses for the time actually employed in his duties.

Land in more than one district

SEC. 61. The same land, if conducive to public health, safety, convenience or welfare, may be included in more than one district and be subject to the provisions of this act for each and every district in which it may be included; *provided,*

that no district shall be organized under this act in whole or in part within the territory of a district already organized under this act until the board or joint boards of supervisors determine whether the public health, safety, convenience or welfare demand the organization of an additional district, or whether it demand that the territory proposed to be organized into an additional district shall be added to the existing district; and in case the proceedings concerning two or more such districts are before the board of supervisors of two or more counties, such determination shall be as provided in the next section.

SEC. 62. In case any district or districts are being organized within, or partly within and partly without, the same territory in which some other district or districts have been or are being organized, the board of supervisors of every such county in which such districts have been or are being organized shall confer at the earliest convenient moment after they ascertain the possibility of a conflict in jurisdiction, the sitting to be had in the county having the largest assessed valuation in the proposed district or districts, anything to the contrary herein stated notwithstanding.

Conference
of super-
visors to
determine
jurisdiction
of districts

At such conference, the several supervisors shall determine to what extent the several districts should be consolidated, or to what extent the boundaries should be adjusted in order to most fully carry out the purposes of this act; and they shall by suitable orders make such determination effective. At such conferences, the decision of the majority of the supervisors shall be necessary for the determination of any matter.

The provisions of this, and of the preceding section shall not operate to delay or to interrupt any proceeding under this act until the question of jurisdiction has been finally determined by the court or courts.

SEC. 63. Whenever it is desired to construct improvements wholly within any district organized under this act, which improvements will affect only a part of said district, for the purpose of accomplishing such work, subdistricts may be organized upon petition of the owners of real property, within the district, which petition shall fulfill the same requirements concerning the subdistricts as the petition outlined in this act is required to fulfill concerning the organization of the main district, and shall be filed with the clerk of the same board of supervisors, and shall be accompanied by a bond as provided for in this act in the first instance. All proceedings relating to the organization of such subdistricts shall conform in all things to the provisions of this act relating to the organization of districts, including also the provision in regard to holding an election excepting as to an election of directors. Whenever the board of supervisors shall by its order duly entered of record declare and decree such subdistricts to be organized, the clerk of said board shall thereupon give notice of such order to the directors of the district, who shall thereupon act also as directors of the subdistrict. Thereafter, the

Subdistricts

proceedings in reference to the subdistrict shall in all matters conform to the provisions of this act, with the same officers, directors and appraisers; except that in appraisal of benefits and damages for the purposes of such subdistricts, in the issuance of bonds, in the levying of assessments or taxes, and in all other matters affecting only the subdistrict, the provisions of this act shall apply to this subdistrict as though it were an independent district, and it shall not, in these things, be amalgamated with the main district.

Officers of
main district
to serve.

The board of directors, board of appraisers, chief engineer, attorney, secretary and other officers, agents and employees of the district shall, so far as it may be necessary, serve in the same capacities for such subdistrict, and contracts and agreements between the main district and the subdistrict may be made in the same manner as contracts and agreements between two districts. The distribution of administrative expense between the main district and subdistrict shall be in proportion to the interests involved and the amount of service rendered, such division to be made by the board of directors with an appeal to the board of supervisors establishing the district. This section shall not be held to prevent the organization of independent districts for local improvements under other laws within the limits of a district organized under this act.

Protection
of works.

SEC. 64. The board of directors shall have the right to police the works of the district, and in times of great emergency may compel assistance in the protection of such works, and shall, also, have the right to prevent persons, vehicles or live stock from passing over the works of the district in any manner which would result in damage thereto.

Penalty for
injuring
bench marks,
etc.

SEC. 65. The wilful destruction, injury or removal of any bench marks, witness marks, stakes or other reference marks, placed by the surveyors or engineers of the district or by contractors in constructing the works of the district, shall be a misdemeanor, punishable by fine not exceeding one hundred dollars.

Liability for
damages.

SEC. 66. All persons and corporations shall be liable for damages done to works of the district by themselves, their agents, their employees, or by their live stock, in the same manner, and punishable in the same manner as persons and corporations are liable for damage committed to property or works belonging to private persons.

Districts for
forestation
and reforestation.

SEC. 67. Districts may be formed under the provisions of this act for forestation and reforestation of the lands leased or owned by said district or upon federal or state lands upon receiving proper permits therefor, when deemed necessary for and incidental to the conservation or control of flood waters against damage by floods, by a substantial compliance with the terms of this act. But no such district in its construction or operation shall in any manner interfere with works for the prevention of floods, or the drainage of lands, or materially

diminish their protective value. And the board of supervisors organizing such district for the conservation of water by forestation or reforestation solely, shall require a statement in the petition and proof of the effect that the organization and operation of the same will not materially interfere with any works or plans for flood prevention or the drainage or protection of lands, but will assist in preventing such damage. Nor shall any improvement under this act deprive the owners of lands lying upon any streams of water, of the ordinary flow in said stream without compensation therefor.

Subject to the above, the board of directors shall have the same powers as are herein conferred generally by its provisions so far as applicable.

Sec. 68. In any and every case where a notice is provided for in this act, if the board of directors finds for any reason that due notice was not given, the board of directors shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void; but the board of directors shall in that case order due notice to be given, and shall continue the hearing until such time as such notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance.

If notice is not properly given.

In case any individual appraisal or appraisals, assessment or assessments, or levy or levies, shall be held void for want of legal notice, or in case the board may determine that any notice with reference to any land or lands may be faulty, then a petition may be filed with the board of directors asking that the board of directors order notice to the owner of such land or lands given and set a time for hearing as provided in this act. And in case the original notice as a whole was sufficient, and was faulty only with reference to publication as to certain tracts, only the owners of and persons interested in those particular tracts need be notified by such subsequent notice. And if the publication of any notice in any county was defective or not made in time, publication of the defective notice need be had only in the county in which the defect occurred.

Sec. 69. All cases in which there arises a question of the validity of the organization of conservancy districts shall be advanced as a matter of immediate public interest and concern, and heard in all courts at the earliest practicable moment.

Early hearing on question of validity.

Sec. 70. This act being necessary for securing the public health, safety, convenience or welfare, and being necessary for the prevention of great loss of life and for the security of public and private property from floods and other uncontrolled waters, it shall be liberally construed to effect the control and conservation and drainage of the waters of this state.

Construction of act.

Sec. 71. In case any section or sections or part of any section of this act shall be found to be unconstitutional, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Constitutionality.

Alternative act

SEC. 72. All existing laws of the state and parts of laws relating to drainage, flood control, protection from storm waters, irrigation and subjects of which this act treats, shall not be in any other way affected by this act, but this act shall be treated and shall be in effect an alternative act thereto.

SEC. 73. For the sake of convenience:

Jurisdiction of supervisors over proceedings.

(a) In any orders of the board of supervisors, the words, "the board of supervisors now here finds that it hath jurisdiction of the parties to and of the subject matter of this proceeding," shall be equivalent to a finding that each jurisdictional act necessary to confer plenary jurisdiction upon the board of supervisors beginning with the proper signing and filing of the initial petition to the date of the order to meet every legal requirement imposed by this act, has been conferred.

Bonding resolution

(b) No other or further evidence of the legal disposition of the special assessment to the payment of the bonds shall be required than the passage of a bonding resolution by the board of directors recommending to the board of supervisors the issuance of bonds in accordance therewith.

Abbreviations

(c) In the preparation of any assessment or appraisal roll the usual abbreviations employed by engineers, surveyors and abstractors may be used.

Land described by reference to record

(d) Where properly to describe any parcel of land, it would be necessary to use a long description, the appraisers after locating the land generally, may refer to the book and page of the public record of any instrument to which the land is described, which reference shall suffice to identify for all the purposes of that act the land described in the public record so referred to.

Unnecessary to specify names in notice

(e) It shall not be necessary in any notice required by this act to be published to specify the names of the owners of the lands or of the persons interested therein; but any such notice may be addressed, "to all persons interested" with like effect as though such notice named by name every owner, of any lands within the territory specified in the notice and every person interested therein, and every lienor, actual or inchoate.

District a political subdivision.

(f) Every district declared to be a conservancy district in accordance with this act shall thereupon become a political subdivision and a public corporation of the State of California, invested with all the powers and privileges conferred upon such districts by this act.

Powers of state commissions not limited.

Nothing in this act stated shall be construed to limit or abridge the rights and powers now vested in the railroad commission of the State of California, the water commission of the State of California, the reclamation board, any other commission, officer or agency created by law, and all things herein enumerated to be done shall be performed subject to and in compliance with the authority now vested or hereafter to be vested by law in such commission, board, officer or agency, anything appearing herein notwithstanding.

Forms.

SEC. 74. The following forms may suffice to illustrate the character of the procedure contemplated by this act; and if

substantially complied with, those things being changed which (to meet the requirements of the particular case) should be changed, such procedure shall be held to meet the requirements of this act.

1. Form of Notice of Hearing on the Petition.

Notice of hearing on the petition

To all persons interested:

Public notice is hereby given:

1. That on the _____ day of _____ 19____, pursuant to the provisions of the conservancy act of California, there was filed in the office of the clerk of the board of supervisors of _____ county, California, the petition of _____ and others for the establishment of a conservancy district to be known as _____ conservancy district. (Here insert the purposes.)

2. That the lands sought to be included in said district comprise lands in _____ and _____ counties, California, described substantially as follows: Beginning on the north line of _____ county at its point of intersection with the west bank of the _____ river; thence west along the north line of _____ county to the high bluffs facing said _____ river on the west; thence following the base of the line of said bluffs to the north line of the right of way of the _____ railroad; thence west along the north right of way line of said railroad to the center line of _____ avenue in the city of _____; thence south along the center line of _____ avenue to the _____ road; thence southeasterly along the _____ road to the southeasterly line of the right of way of the _____ railroad; thence southeasterly along said right of way line to the corporate limits of the city of _____; thence with said corporation line southerly, easterly and northerly to the southerly right of way line of the main tract of the _____ railroad; thence easterly along said last named right of way line to the boundary line between _____ counties; thence north along said county line to the southerly line of _____ county; thence easterly along the dividing line between _____ counties to the easterly line of the right of way of the _____ railroad; thence northerly along said right of way line to its intersection with the _____ road; thence westerly along said road to the center line of the bridge over _____ wash, thence up said wash and along the center line thereof to the north line of _____ county; thence west to the place of beginning.

Or, if found more convenient, the lands sought to be included in the district may be described as follows:

All of township _____ in range _____ between the _____ railroad and the _____ river; the following lands in _____ township and _____ range, section _____ and the _____ half of section _____; also all lands within the corporate limits of the city of _____, etc., etc., etc.

Notice of hearing on the petition.

3. That a public hearing on said petition will be had in the chambers of said board of supervisors on -----, the ----- day of -----, at the hour of ----- o'clock ----- m., by the board of supervisors of ----- county, at the ----- in the city of -----, ----- county, California.

All persons and public corporations owning or interested in real estate within the territory hereinbefore described will be given the opportunity to be heard at the time and place above specified.

-----,
County clerk.

By-----,

Clerk of the board of supervisors. ----- county, California.

Dated -----, California, -----, 19-----.

Finding on hearing.

2. Form of Finding on Hearing.

State of California, }
County of ----- } ss.

In chambers of the board of supervisors of ----- county.
In matter of ----- conservancy district;

FINDINGS AND DECREE ON HEARING.

On this ----- day of -----, 19--, this cause coming on for hearing upon the petition of ----- and others. for the organization of a conservancy district under the conservancy act of California, the board of supervisors, after a full hearing now here find:

- 1. That it hath jurisdiction of the parties to, and the subject matter of this proceeding.
- 2. That the purposes for which said district is established are:

(Insert the purposes.)

And that it is a public necessity.

3. That the public safety, health, convenience and welfare will be promoted by the organization of a conservancy district substantially as prayed in said petition (if additional lands are added by petition), except, that the following additional lands at the petition of the owners thereof should be, and hereby are included in said district:

(Here insert additional lands.)

4. That the boundaries of said district as modified by the last finding herein are as follows: (Here insert corrected boundaries of district.)

5. That the said territory last above described should be created into and created a conservancy district under the conservancy act of California under the corporate name of ----- conservancy district.

Wherefore, it is by the board ordered, adjudged and ^{Finding on hearing.} decreed:

That the territory as above described be, and the same hereby is erected into and created a conservancy district under the conservancy act of California, under the corporate name of _____ conservancy district, in _____ county, California. And the following persons are hereby (found to be) (elected) directors of said conservancy district: _____ for the term of five years, _____ for the term of five years, _____ for the term of five years, who are hereby directed to qualify and proceed according to law.

6. Form of Notice to Property Owners to Pay Assessment: _____ conservancy district.

To all persons interested:

Public notice is hereby given:

That on the _____ day of _____, 19____, assessments upon the respective parcels of property in the district aggregating the sum of \$_____ were levied in accordance with this act, and pursuant thereto improvement warrants were issued representing such respective assessments; that said entire assessment may be paid in fifty-two semiannual installments, together with accrued interest, payable on the first days of July and January of each year, or the entire amount due and unpaid of such assessment as evidenced by said improvement warrants may be paid at any time on or prior to the _____ day of _____, 19____.

President.

Secretary.

4. Form of Bond and of Coupon.
(Form of bond.)

No. _____ \$ _____ ^{Bond and coupon.}

UNITED STATES OF AMERICA,
STATE OF CALIFORNIA.

_____ Conservancy District.
Conservancy bond.

Know all men by these presents that _____ conservancy district, a legally organized conservancy district of the State of California, acknowledges itself to owe and for value received hereby promises to pay to bearer _____ dollars (\$_____) on the first day of _____, 19____, with interest thereon from the date hereof until paid at the rate of _____ per cent per annum, payable _____, 19____, and semiannually thereafter on the first day of _____ and of _____ in each year on presentation and surrender

Bond and coupon.

of the annexed interest coupons as they severally become due. Both principal and interest of this bond are hereby made payable in lawful money of the United States of America, at the county treasurer's office of the main county of said district, State of California.

This bond is one of a series of bonds issued by ----- conservancy district for the purpose of paying the cost of constructing a system of flood prevention (or for other works) for said district and in anticipation of the collection of the taxes duly levied upon lands within said district and benefited by said improvement in strict compliance with the conservancy act of California, and pursuant to an order of the board of supervisors upon recommendation of the board of directors of said district duly made and entered of record.

And it is hereby certified and recited that all acts, conditions and things required to be done in locating and establishing said district and in equalizing appraisals of benefits and in levying taxes and assessments against lands benefited thereby, and in authorizing, executing and issuing this bond, have been legally had, done and performed in due form of law.

And for the performance of all the covenants and stipulations of this bond and of the duties imposed by law upon said district for the collection of the taxes and the application thereof to the payment of this bond and the interest thereon, and for the levying of such other and further taxes and assessments as are authorized by law and as may be required for the prompt payment of this bond and the interest thereon, the full faith, credit and resources of said ----- conservancy district are hereby irrevocably pledged.

In testimony whereof the board of supervisors of the ----- conservancy district has caused this bond to be signed on behalf of said district by the chairman of the board of supervisors of the main county, and by the auditor of said main county, and sealed with the corporate seal of said district, and the coupons hereto annexed to be signed by the engraved or lithographed facsimile of such auditor.

Chairman.

Auditor.

(Form of Coupon.)

\$-----

On the first day of -----, 19____, ----- conservancy district promises to pay to bearer ----- dollars (\$-----) lawful money of the United States of America, at the office of the treasurer of the county of -----, California, being semiannual interest due on that date on its conservancy bond dated -----, 19____.

-----, Auditor.

5. Form of Notice of Enlargement of District.

Notice of enlargement of district.

State of California, }
County of ----- } ss.

In the office of the board of directors of ----- county, California.

In the matter of ----- conservancy district.

NOTICE OF ENLARGEMENT OF DISTRICT.

To all persons (and public corporations, if any,) interested:
Public notice is hereby given:

1. That heretofore, on the ---- day of -----, 19---, the board of supervisors of ----- county, California, duly entered a final order erecting and creating ----- conservancy district and designating a board of directors therefor.

2. That thereafter this board duly designated -----, ----- and ----- to be the board of appraisers for said district. That said board of appraisers on the ---- day of -----, 19---, filed their report recommending that the following described lands, not originally included in the district, be added thereto:

(Here describe generally the lands which the report of the board of appraisers recommends should be added to the district.)

3. That on ----- the ---- day of -----, 19---, (or as soon thereafter as the convenience of the board will permit), at the courthouse in -----, of -----, California, the board of supervisors of ----- county, California, will hear all persons and public corporations, who are owners of or interested in the property described in this notice upon the question whether said lands should be added to and included in said ----- conservancy district.

Clerk of the board of supervisors of ----- county, California.

6. Form of Notice of Hearing on Appraisals.

State of California, }
County of ----- } ss.

In office of the board of directors, ----- county, California.

In the matter of ----- conservancy district.

NOTICE OF HEARING ON APPRAISALS.

To all persons and public corporations interested:
Public notice is hereby given:

Hearing on appraisals.

1. That heretofore on the ---- day of -----, 19---, the board of supervisors of ----- county, California, duly entered an order erecting and creating ----- conservancy district and designating a board of directors therefor.

Hearing on appraisals.

2. That thereafter this board duly appointed ----- the board of appraisers for said district. That said board of appraisers on the ----- day of -----, 19___, filed their appraisal of benefits and damages and of land to be taken as follows: (Here insert general description of land appraised.)

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this board.

3. All public and private corporations and all persons owners of or interested in the property described in said report, whether as benefited property or as property taken and damaged (whether said taken or damaged property lies within or without said district), desiring to contest the appraisals as made and returned by the board of appraisers must file their objections with the board of directors of the district on or before the ----- day of -----, 19___, (here insert a date ten days after the last publication of the notice) and a hearing on said appraisal will be had on the ----- day of -----, 19___, (here insert a date not less than twenty days nor more than thirty days after the date of the last publication of this notice) as fixed by the board of directors in the city of -----, California, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

County clerk.

By -----

Clerk of the board of supervisors of ----- county, California.

Dated at the city of -----, California, this ----- day of -----, 19___.

CHAPTER 333.

An act to amend sections three thousand four hundred fifty-five, three thousand four hundred fifty-six, three thousand four hundred fifty-nine and three thousand four hundred sixty-three of the Political Code, relating to the organization, government and operation of reclamation districts.

[Approved May 16, 1919. In effect July 22, 1919.]

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

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

3455. (a) If and when any such district is located, in whole or in part, within the Sacramento and San Joaquin drainage district;

Within Sacramento and San Joaquin drainage district.

(1) The board of trustees of such reclamation district must report to the board of supervisors of the county within which the district, or the greater part thereof, is situate, by filing, with the county clerk of said county, three copies of the original plan or plans of the works of reclamation and three copies of every new, supplemental, or additional plan, if any, together with the estimates of the cost of the contemplated works of the district, including incidental expenses, maintenance and repair necessary for the reclamation of the lands of the district in pursuance of any such plan or plans. The term "works of reclamation" as used in this chapter shall include not only such public works and equipment, as are necessary for the unwatering of lands in reclamation districts, but shall also include such like works as may be necessary to water or irrigate the same lands in such districts.

Plans to be reported to supervisors.

(2) Within five days after said three copies of such plans and estimates are filed with him, the said county clerk shall certify two of said copies and transmit the same to the secretary of the reclamation board.

Two copies to be certified.

(3) Upon receipt of said certified copies of said plan or plans, the secretary of the reclamation board shall immediately set a date when the reclamation board will hold a meeting for considering objections, if any, to said plans. All such hearings by the said reclamation board shall be held not less than twenty, nor more than sixty days after the day the secretary of the reclamation board receives the certified copies of the said plans. Notice of said hearing before the said reclamation board shall be given by the secretary of said board by publishing a notice of such hearing once a week for two weeks in some newspaper of general circulation published within said district or, if there be no such newspaper so published, then in the county seat of the county within which the said district or the greater part thereof, is situate. Said notice shall be in substantially the following form:

Hearing for objections to plans.

Notice.

"Notice to the landowners of reclamation district -----

Form of notice.

Notice is hereby given to the landowners of reclamation district number ----- that there has been filed with the county clerk of the county of ----- and with the secretary of the reclamation board, original (supplemental or new, as the case may be) plans for the reclamation of lands of said district; that the reclamation board will hold a meeting at its office in the city of Sacramento, county of Sacramento, State of California, on the ----- day of -----, A. D. 191-- at ----- o'clock, at which time any interested party may appear and object to the said plans."

(4) At said hearing the reclamation board shall hear such evidence as may be offered with respect to said plans, and thereafter shall approve, modify, amend or reject the said plans; *provided, however*, that the said reclamation board shall not have the power to modify, amend or reject any plans so submitted on the ground that said plans provide

Action on plans at hearing.

for a levee which in their judgment is of excessive strength either in height, slopes or crown width: but no claim for compensation shall thereafter be made against the reclamation board or the Sacramento and San Joaquin drainage district for any part of such levees which said board may consider to be in excess of what is required to comply with its plans for flood control. The reclamation board shall have power to continue or adjourn the said hearing from time to time and shall have authority to cause such investigation and report of said plans to be made by the engineers connected with the reclamation board or by such other competent authority as said board shall deem necessary.

Action taken shall be final.

(5) When the said reclamation board shall have taken action approving, modifying, or rejecting any such original, supplemental or new plan of reclamation after a hearing as herein provided, such action shall be final, and thereafter the sufficiency of said plans shall not be subject to attack either before the reclamation board or in any court; *provided, however*, that nothing herein contained shall prevent the board of trustees of any district from at any time filing with the county clerk of the county within which the district, or the greater part thereof, is situate, three copies of any amendatory, additional or supplemental plan of reclamation. In the event any such amendatory, additional or supplemental plan of reclamation is filed with the said clerk, two certified copies thereof shall be transmitted to the secretary of the reclamation board, who shall set the time for hearing, and thereafter the same proceedings shall be had and with like effect with respect to said amendatory, additional or supplemental plan as is herein provided for the original plan.

Outside of Sacramento and San Joaquin drainage district.

Plans to be reported to supervisors.

(b) If and when neither the whole nor any part of such district is situate within the boundaries of the Sacramento and San Joaquin drainage district;

(1) The board of trustees of such reclamation district must report to the board of supervisors of the county in which the district, or the greater part thereof is situate, by filing with the county clerk of said county two copies of every new, supplemental, or additional plan, if any, together with estimates of the cost of the contemplated works of the district, including incidental expenses, maintenance and repairs, necessary for the reclamation of the lands of the district in pursuance of any such plan.

Commissioners to view and assess lands.

(2) Thereupon the board of supervisors of such county must appoint three commissioners, who shall have no interest in any real estate within said district, each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. Said commissioners must view and assess upon the land within said district the said sum so estimated and shall apportion the same according to the benefits that will accrue to each

tract of land in said district, respectively, by reason of the expenditures of said sums of money, and shall estimate the same in gold coin of the United States. The same must be collected and paid into the county treasury as hereinafter provided, and be placed by the treasurer to the credit of the district, and paid out for the works of reclamation upon the warrants of the trustees, approved by the board of supervisors, or, if bonds of such district have been issued upon said assessment, then said treasurer shall set the same apart as a separate fund for the purpose of paying the principal and interest of such bonds, and shall not pay any part of the moneys received from such assessment for any purpose other than the payment of the principal and interest of such bonds.

(c) Any of the said plan or plans and estimates may include any levees or other reclamation works already constructed or in course of construction and payments therefor may be made to the person or persons who constructed the same or to the grantee of the lands for the benefit of which such levees or other works of reclamation were constructed by the owner of such lands, and no trustee shall be disqualified to make or approve such plans or estimates because of his ownership of any levee or other reclamation works included in such plan, or the cost of which is embraced in said estimates but he shall be disqualified to vote for the issuance of any warrant or order to himself in payment therefor.

What plans and estimates may include

Sec. 2. Section three thousand four hundred fifty-six of the Political Code is hereby amended to read as follows:

3456. (a) If such reclamation district is located, in whole or in part, within the Sacramento and San Joaquin drainage district, then if and when the said reclamation board shall have approved the plan or plans of the works of reclamation, after a hearing as provided in section three thousand four hundred fifty-five of this code, then the board of trustees of the reclamation district shall so report to the board of supervisors of the county within which the district or the greater part thereof is situate, and shall set forth in their said report the estimated cost of the said works of reclamation, and petition the said board of supervisors to appoint three commissioners who shall have no interest in any real estate within said district, each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. Upon receipt of said petition from the board of trustees the board of supervisors to whom the same was presented must within not more than sixty days appoint said assessment commissioners above referred to. Said commissioners must view and assess upon the land within said district the said sum so estimated and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditures of said sums of money, and shall estimate the same in gold

Commissioners to assess lands

Sums paid
to county
treasury.

coin of the United States. The sums must be collected and paid into the county treasury as hereinafter provided, and be placed by the treasurer to the credit of the district, and paid out for the works of reclamation upon the warrants of the trustees, approved by the board of supervisors, or, if bonds of such district have been issued upon said assessment, then said treasurer shall set the same apart as a separate fund for the purpose of paying the principal and interest of such bonds, and shall not pay any part of the moneys received from such assessment for any purpose other than the payment of the principal and interest of such bonds.

Funds for
maintenance
and repair.

(b) In all cases when the work contemplated by the original or any supplemental plan of reclamation of any reclamation district shall have been completed, the trustees may so report to the board of supervisors of the county in which the district, or the greater part thereof is situate, together with a petition to the said board of supervisors to appoint assessment commissioners. Said report and petition shall set forth that the work contemplated by the original or supplemental plan of reclamation has been completed, and that hereafter the said reclamation district will only require funds for the maintenance and repair of the said works of reclamation. Upon filing said report and petition the said board of supervisors shall appoint three commissioners, each of whom shall be similarly qualified, and shall make and subscribe the same oath as is provided hereinabove for commissioners. When so appointed and so qualified such commissioners shall prepare an assessment list, which list shall contain the following information in separate columns:

Commis-
sioners to
prepare
assessment
list.

1. A description of each tract assessed by legal subdivisions, swamp land surveys, or other boundaries sufficient to identify the same.

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 or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid.

4. The assessment valuation per acre of each tract assessed.

5. The total assessment valuations of each said tract.

6. A blank column for rate to be fixed as shown hereinafter.

7. A blank column for amount of assessment to be computed as shown hereinafter.

Thereafter said assessment valuations shall be used as a basis for assessments in raising funds for the maintenance and repair of the works of reclamation and incidental expenses of said district. Said assessment list, when completed, shall be filed with the clerk of the board of supervisors in the same manner as a report made under an original or modified plan of reclamation. Thereupon the said board of supervisors shall appoint a time when it will meet for the purpose of hearing objections; said objections, if any, must be in writing, verified,

Hearing.

and filed with the clerk of said board of supervisors. Notice of the said hearing shall be given in the same manner and for the same time as notice of hearing objections to an original assessment. At said hearing, the board of supervisors shall hear such evidence as may be offered in support of said written objections, and may modify or amend the said assessment valuations in any particular. No objections to said assessment valuations shall be considered by the board of supervisors, or allowed in any other action or proceeding, unless said objections shall have been made in writing to the board of supervisors within thirty days after the first publication of notice of hearing objections, if any, to said assessment valuations.

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of the said district is situate, to have said assessment valuations corrected, modified or annulled. Such action must be commenced within thirty days after said assessment valuations have been approved by the board of supervisors. If said action shall not be commenced within thirty days, no action of defense shall thereafter be maintained attacking the legality of said assessment valuations in any respect.

Action in
superior
court.

Hereafter, whenever, in the opinion of the trustees of the district, it shall be necessary to raise any sum for the construction, maintenance or repair of the works of reclamation, or for the incidental expenses of the district, the said board of trustees shall make an order, which order shall be entered in the minutes of the board and shall recite the total amount necessary to be raised and shall fix a rate designating the number of cents to be levied on each one hundred dollars of assessment valuation shown on the list prepared and approved in the manner hereinabove provided.

Amounts
needed
thereafter.

Thereafter the board of trustees must complete said assessment list by inserting the rate and the total assessment in columns six and seven as provided therefor.

The assessment made in pursuance hercof shall be filed with the county treasurer and thereafter collected in the same manner provided for the collection of any original assessment; *provided, however*, that the board of trustees may, in their discretion, direct the payment of any such assessment in one installment.

The report of assessment commissioners as herein provided, fixing the assessment valuations for reclamation purposes, after having first been approved by the board of supervisors as hereinabove provided, shall continue in force as the basis for raising necessary funds for construction, maintenance and repair of the works of reclamation, and for incidental expenses of the district until the trustees of said district, or the holders of title or evidence of title representing fifteen per cent or more of the lands within the district, shall petition said board

New assess-
ment list.

of supervisors to make an order directing the commissioners who made the original assessment list or other commissioners, to be named in such order to prepare a new assessment list. Such commissioners must have the same qualifications and take the same oath as the original assessment commissioners.

The assessment list when so prepared by said commissioners shall be filed with the clerk of the board of supervisors, and shall thereafter in all respects be subject to the same provisions as an original assessment list. All provisions of this code relating to collection of assessments and sale of land for delinquent assessments, shall be applicable to assessments levied in accordance with the provisions of this section.

SEC. 3. Section three thousand four hundred fifty-nine of the Political Code is hereby amended to read as follows:

Additional
assessments.

3459. If the original assessment is insufficient to provide for the complete reclamation of the lands of the district, or if further assessments are from time to time required to provide for the protection, maintenance and repair of the reclamation works, the trustees may file with the clerk of the board of supervisors of the county in which the district or the greater part thereof, is situated two copies of the plan of reclamation and a statement of the work done or to be done and its estimated cost, and the same proceedings shall be had thereon as provided in section three thousand four hundred fifty-five for an original plan of reclamation. If the reclamation district is located, in whole or in part, within the Sacramento and San Joaquin drainage district, then when said plan shall have been approved by the state board of reclamation, and if a reclamation district is not so situate, then at any time, the trustees of the district shall report to the board of supervisors, and such board must make an order directing the commissioners who made the original assessment, or other commissioners, to be named in such order, to assess the amount of such estimated cost as a charge upon the lands within the district, which assessment must be made and collected in the same manner as the original assessment.

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

Charges
assessed
become lien.

3463. When the board of supervisors shall have finally taken action modifying or approving any assessment liens as provided in section three thousand four hundred sixty-two of this code, the charges assessed thereby upon tracts of land within the county shall constitute a lien thereon and shall impart notice thereof to all persons.

When the board of trustees of any reclamation district shall cause assessment lists to be prepared and filed with the clerk of the board of supervisors, whereon they shall assess any sum necessary to be raised to the several tracts of land within the said district in the manner provided in section three thousand four hundred fifty-five, or in section three thousand four hundred fifty-six of this code, the charges so assessed

upon any said tract shall constitute a lien thereon and shall impart notice thereof to all persons.

No subsequent act or conduct of the trustees of the reclamation district shall invalidate any such assessment, after the same shall have become a lien in the manner herein provided, but such trustees may be compelled by mandate, or other proper proceeding, to perform their duties as required by law

Assessment
may not be
invalidated.

CHAPTER 334.

An act to amend section one of an act entitled "An act to provide for the protection of beneficiaries of workmen's compensation insurance policies against the default or insolvency of insurance carriers issuing such policies by requiring such carriers to provide security for the payment of such compensation," approved May 9, 1917, relating to the filing of a bond by insurance carriers transacting the business of workmen's compensation in this state.

[Approved May 15, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of an act entitled "An act to provide for the protection of beneficiaries of workmen's compensation insurance policies against the default or insolvency of insurance carriers issuing such policies by requiring such carriers to provide security for the payment of such compensation," approved May 9, 1917, is hereby amended to read as follows:

Stats. 1917,
p. 292.

Section 1. Every insurance carrier except the state compensation insurance fund, transacting the business of workmen's compensation insurance in this state, shall as a prerequisite to doing business in this state, file and maintain on file in the office of the insurance commissioner of this state a bond in favor of said insurance commissioner as trustee for the beneficiary or of awards of compensation rendered by the industrial accident commission, executed by said carrier and some surety company or companies, approved by said insurance commissioner and authorized to transact the business of suretyship in this state. Said bond shall be in an amount not less than the reserve for outstanding losses of said insurance carrier on compensation insurance in this state on December thirty-first of the preceding year, calculated as prescribed by the laws of this state, nor more than double the amount of said reserve, but in no case for less than the sum of one hundred thousand dollars, whether such company has previously done such business in this state or not.

Workmen's
compensation
insurance
carrier to
file bond.

CHAPTER 335.

An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Authority to
order works
for municipal
lighting
district.

SECTION 1. Whenever the public interest or convenience may require, the city council of any municipality in this state in which a district has been established for lighting streets, alleys and other public places, shall have full power and authority to order the poles, posts, wires, pipes, conduits, lamps and other necessary works and appliances already installed in or along the whole or any part of any one or more of the public streets, alleys or other public places in such municipality, for lighting purposes, to be maintained, and to order electric current, gas or other illuminating agent to be furnished for such lighting service for a period to commence at a time to be stated in the contract hereinafter provided, but not to exceed five years, from the date thereof, in the manner and under proceedings hereinafter provided.

Resolution
of intention.

SEC. 2. Before ordering any improvement to be made which is authorized by section one of this act, the city council shall adopt a resolution declaring its intention so to do, briefly describing the proposed improvements and designating said district by describing the exterior boundaries thereof to be benefited by said improvements and to be assessed to pay the costs and expenses thereof, and to be known as the assessment district; *provided, however*, that the city council may, in its discretion, order in said resolution of intention that a certain portion or percentage of the costs and expenses of said improvement, the amount of which portion or percentage shall be specified in said resolution, shall be paid out of the treasury of such municipality from such fund as the city council may designate. The city council shall, in said resolution of intention, provide that the maintenance of said appliances and the furnishing of said electric current, gas or other illuminating agent shall be for a period stated in said resolution of intention, but not exceeding five years. The city council shall also in the same resolution refer the proposed improvement to the board, commission or officer of the city having charge and control of the construction of public improvements of the kind described in such resolution or to the city engineer or to such other board or officer of the city, or competent person employed by the city for such purpose, as the council may name in said resolution, and direct such board, commission,

Report of
board in
charge of
public im-
provements.

officer or person to make and file with the clerk of the council a report in writing, presenting the following:

(a) Plans and specifications of the proposed improvement. What report shall contain.

(b) An estimate of the cost of said improvement, for the period of time specified in the resolution of intention.

(c) A diagram showing the assessment district above referred to and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of the resolution of intention, each of which subdivisions shall be given a separate number in red ink upon said diagram. The said diagram shall govern for all details as to the extent of said assessment district.

(d) A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvements; *provided*, that whenever any portion or percentage of the costs and expenses of such improvement is ordered to be paid out of the treasury of the municipality, as hereinbefore provided, the amount of such proportion or percentage shall first be deducted from the total estimated cost and expense of such improvement, and the assessment upon property, proposed in said report, shall include only the remainder of said estimated costs and expenses. Said assessment shall refer to such subdivisions upon said diagrams by the respective red ink numbers thereon and it shall show the names of the owners, if known, otherwise designating them as unknown. No mistakes in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

SEC. 3. Upon the filing of the report as provided in section two of this act, the said clerk shall present the same to the city council for consideration, and said council may modify the same in any respect and in case of any such modification, the report as modified shall stand as the report for the purpose of all subsequent proceedings. Thereafter, the council by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall not be less than twenty days from the date of the passage of said resolution, and shall direct the clerk of the city council to give notice of said hearing in the manner hereinafter provided.

SEC. 4. After the passage of the resolution of intention, the clerk of said city shall cause to be conspicuously posted along all streets and parts of streets or other public places where said improvement is proposed to be made, at not more than three hundred feet apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed: "Notice of local improvement," in letters of not less than one inch in length and shall, in legible characters, state the fact and date of the passage of the resolution of intention, and of the filing of said report and the date fixed

Consideration of report.

Hearing of protests.

"Notice of local improvement" to be posted and published.

for the hearing of protests and briefly describe the improvement proposed to be made and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published by two successive insertions in a daily or weekly newspaper published and circulated in said municipality and designated by said council for that purpose. Said notices must be posted and published as above provided, at least ten days before the date set for the hearing of said protest.

Objections.

SEC. 5. Any person interested, objecting to the proposed improvement or to the assessment therefor, may file a written protest stating his objections thereto, with the clerk of the city council at or before the time set for the hearing provided in section three hereof. The clerk shall endorse on every such protest the date of its reception by him, and at the time appointed for the hearing as above provided, shall present to said council all protests so filed. The council shall hear and consider said protests, at the time appointed therefor, as above provided, or at any time to which the hearings thereof may be adjourned, and pass upon the same, and may confirm, modify or correct said proposed assessment, and its decision shall be final and conclusive and, if such protests are sustained, the proceedings shall be abandoned but may be renewed at any time; and if such protests are denied, the proposed assessment shall be confirmed, and the city council shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act. When,

Hearing.

Adoption of report.

upon the hearing, said proposed assessment is confirmed, modified or corrected, or in case no protests are filed, the report provided for in section two hereof shall be adopted as a whole, with any modifications or corrections that have been made therein, and the city council shall, by resolution, declare its action upon said report and assessment, and order said proposed improvement to be made. And the city council shall thereupon levy the assessment for the proportion or percentage required to pay for said improvement for the period of time beginning with the date of such levy and ending with the close of the following fiscal year, upon the respective subdivisions of land in the assessment district, and thereafter during the period of time provided in the resolution of intention, the city council shall on or before the beginning of the following fiscal year, levy in like manner the assessment for the proportion or percentage required to pay for such improvement for such year, and said board, commission or officer of the city authorized therefor shall, on or before sixty days prior to the commencement of such fiscal year, make and file with the city council a report in writing, presenting the following:

Assessment levy.

Report.

1. An estimate of the cost of said improvement for the ensuing fiscal year.
2. A diagram showing the assessment district referred to in the resolution of intention, as provided by section two of this

act, also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the making of said last-mentioned diagram, each of which subdivisions shall be given a separate number in red ink on said diagram.

3. A schedule showing the proportionate amount of said assessment to be charged in proportion to the benefits to be received by each subdivision shown on the last above mentioned diagram.

Any unexpended balance remaining in such fund at the expiration of any year shall be credited to the fund to be raised for the next ensuing fiscal year, and the assessment to be levied, as herein provided, for such ensuing year, shall be only for the amount required therefor after deducting from such estimated amount the amount of any such unexpended balance. Any unexpended balance remaining in such fund at the expiration of the period of time provided for in said resolution of intention shall, upon demands therefor made upon the city council of any such city, within one year from and after the expiration of the time specified in said ordinance of intention, be repaid pro rata to the persons by whom such assessments were paid; *provided, however*, that any such unexpended balance remaining in such fund and not demanded within said period of one year, as herein provided, shall be placed in such fund as the city council may order.

Unexpended balance.

SEC. 6. The validity of any assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such an action or proceeding must be perfected within thirty days after the entry of such judgment.

Contest of validity of assessment.

SEC. 7. Upon the levying of such assessment as provided in section five hereof, the clerk of said council shall transmit to the city tax collector the diagram and assessment upon which such levy is based.

Duty of clerk of council.

SEC. 8. Upon the receipt of the diagram and assessment referred to in the last preceding section, the tax collector shall record the same in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens except liens for state, county and municipal taxes, and 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 such assessment, give notice by publication for five days in a daily newspaper, published and circulated in said city, or by

Assessment roll.

Assessments payable immediately. Lien.

Publication of notice of record of assessment roll.

two 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 payment of 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 the statement that all assessments not paid before the expiration of the said thirty days shall be delinquent, and thereupon ten per cent of the amount of each such assessment shall be added thereto. When payment of any assessment is made, the tax collector shall mark opposite such assessment the word, "paid," with the date of the payment thereof, 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," and shall add ten per cent to the amount thereof.

Delinquent assessments.

Sale of property upon which assessments are delinquent.

SEC. 9. The tax collector shall, within thirty days after the date of such delinquency, begin the publication of a notice of sale of the property upon which the assessments have not been paid, which publication must be made by two insertions in a daily or weekly newspaper published and circulated in the city. The dates fixed for the sale of the property upon which assessments have not been paid shall be not less than five days, nor more than ten days, after the last publication of said list, or after the completion of posting—as the case may be. The list so published must contain a description of each lot or parcel of land delinquent, and opposite each description the name of the owner 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 cost thereon, is paid, the property upon which the assessment is a lien will be sold at public auction, at a time and place to be specified in said notice.

At any time after such delinquency and prior to the sale of any parcels of land assessed and delinquent any person may pay the assessment thereon, together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of notice of sale.

At the time and place fixed therein the tax collector shall proceed with such sale, commencing at the head of the list of lands contained in such notice and continuing in the numerical order thereof until all the property is sold; *provided*, that he may postpone, or continue, the sale from day to day until the sale is completed. The tax collector shall separately sell each parcel of land described in such notice, or so much thereof as shall be necessary to realize the amount assessed against the same, together with the penalties and costs as aforesaid, and fifty cents for a certificate of sale. In case there is no other purchaser the same shall be struck off to the city as purchaser.

SEC. 10. The tax collector shall issue for each sale an original and duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate he shall deliver to the purchaser, and the duplicate he shall keep on file in his office.

Certificate
of sale.

SEC. 11. At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty per cent of said amount. Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receiving from the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

Redemption
of property.

SEC. 12. At any time after the expiration of twelve months from the date of sale, the tax collector 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 tax collector 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 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

Deed to
property.

Notice to
owner.

Owner must
pay for
service of
notice.

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.

Deed
prima facie
evidence

SEC. 13. The deed of the tax collector 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.

Collection
and disburse-
ment of
fund for
improvement

SEC. 14. The funds collected by the tax collector under the proceedings herein provided for, shall be paid by said tax collector, as fast as collected, to the treasurer of the city, who shall place the same in a special fund designated by the name of the improvement proceeding, and payment shall be made out of said special fund only for the purpose provided for in this act. To expedite the making of any such improvement, the city council may at any time, transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund, and shall be repaid out of the proceeds of the assessments provided for in this act.

Contracts
to lowest
bidder.

SEC. 15. At any time after the transmission of the diagram and assessment to the city tax collector, as in this act provided, the city council may let the contract or contracts for such improvement. Every such contract shall be let to the lowest responsible bidder after notice published by two insertions in some newspaper published in such municipality and designated by the city council for that purpose. Every bid shall be accompanied by a certified check amounting to ten per cent of the bid, payable to the order of said city clerk, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within fifteen days after the notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sums as the city council shall require, with sureties satisfactory to said council. The contract must provide that the work shall be done, and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in this act. The work must be done under the supervision of the board, officer or person designated by the city council, and no work shall be paid for until it has been accepted by said board, officer or person. If the contractor abandons the work, or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof and retain the amount of the cost of the same, and of any expense incidental to the reletting out of any funds due or to become due to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any

Supervision
of work.

damages resulting from such abandonment or failure upon his bond; *provided, however*, that the city council, in its discretion may, at any time within ten days after the award of any contract, as above provided, or at any time within ten days after the time fixed for the opening of bids, if no bids have been received, order by resolution adopted by a vote of two-thirds of all its members, that said proposed contract be not made, and that the municipality itself execute the work embraced therein, in accordance with the plans and specifications adopted for such work, and employ the labor, and provide the material, appliances, supplies and illuminating agent necessary therefor; and the cost and expenses of such work shall be paid out of the aforesaid funds; *and provided, further*, that the amount appropriated and used from said funds for said purpose shall not exceed the amount of the bid upon which the award of contract aforesaid was made, or, if no bids have been received and the work is to be executed by the municipality itself, as herein provided, such cost and expense shall not exceed the amount of the estimate thereof provided for in section two of this act; and if such cost and expense shall exceed the amount of said bid, or of said estimate in case no bids are received, then such excess shall be met out of any moneys in the general fund in the treasury of said city; *and provided, further*, that at any time after the funds for the proposed improvement, or any part thereof, shall be in the hands of said treasurer, the city council, in its discretion, may, without calling for bids, order, by resolution adopted by a vote of two-thirds of all its members, that the municipality itself perform the work of such improvement, or the respective parts thereof, in accordance with the specifications and plans adopted for such work, and employ the labor, and provide the material, appliances, supplies, and illuminating agent necessary therefor; in which case the cost and expense of such work shall be paid out of the aforesaid funds and if such costs and expense shall exceed the amount of such estimates, then such excess shall be met out of the moneys in the general fund of the treasury of said city.

Work done
without
contract.

SEC. 16. The city council may, at any time prior to the awarding of the contract for the improvement herein provided, by resolution abandon such proceedings and upon such abandonment all money collected for such improvement shall be repaid to the several parties paying the same.

Abandonment
of
proceedings.

SEC. 17. This act shall in no wise affect an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts

Application
of act.

Application
of act.

and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905, approved June 6, 1913, or amendments thereto, or any other acts on the same subject, or applied to proceedings had thereunder, but it is intended to and does provide an alternate system of proceedings for making the improvements provided for by this act; and it shall be within the discretion of the city council of any municipality to proceed in making such improvements either under the provisions of this act, or under the provisions of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its resolution of intention to order said improvement to be made.

In cities
having no
newspaper.

SEC. 18. Any notice required by this act to be published in a daily or weekly newspaper may be given in municipalities where there is no such daily or weekly newspaper published and circulated, by posting such notice for four days in three public places in such municipalities.

Definitions.

SEC. 19. The following words and phrases shall, where used in this act, have the following meanings:

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 term "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

4. The term "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

5. The term "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

6. The term "tax collector" includes any person or officer who is charged with the duty of collecting municipal assessments.

Construction.
Title.

SEC. 20. 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 lighting act of 1919."

CHAPTER 336.

An act authorizing the board of managers of the Napa State Hospital to grant a right of way to San Francisco, Napa and Calistoga Railway over land owned by the State of California, for the consideration herein expressed.

[Approved May 15, 1919. In effect July 22, 1919.]

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

SECTION 1. For and in consideration of the grantee of the right of way hereinafter mentioned removing its tracks from the state highway at the point hereinafter mentioned and onto the said right of way and thereby eliminating a source of danger to the people using said highway and railway, arising from the existence of a sharp and dangerous curve on the main line of said railway at said point on said state highway, and upon the further consideration of the abandonment by the grantee of that portion of its present right of way over said state highway from which its said tracks are to be so removed, the board of managers of Napa State Hospital are hereby authorized to grant to San Francisco, Napa and Calistoga Railway a right of way over and along a strip of land used by the Napa State Hospital for farming purposes, and desired by said railway for a right of way for its railroad, in order to straighten its track at said point, and remove the same from said highway and thereby eliminate a curve thereon, over, along, and upon the following lands belonging to the State of California, to wit: Commencing on the western line of the state highway leading from Napa to Cordelia, at the southeast corner of the tract of land purchased by the State of California from Homer S. King et ux., by deed bearing date October 1, 1904, and recorded in liber 89 of deeds, page 154, Napa county records, and running thence north seven and one-half degrees west, along said western line of said state highway, five hundred sixty-one feet; thence south two degrees east five hundred eighty feet and to a point on the southern line of said tract of land purchased from said Homer S. King, as aforesaid, distant south sixty-nine and one-half degrees west fifty-six feet from the point of commencement; thence north sixty-nine and one-half degrees east, fifty-six feet and to the point of commencement, containing thirty-six one-hundredths of an acre of land.

Authority for Napa State Hospital to grant right of way to San Francisco, Napa and Calistoga Railway.

CHAPTER 337.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, designated the "bank act," by amending sections five, eight, nineteen, twenty, twenty-one a, thirty-seven, forty-three, fifty-six, sixty-one, sixty-one a, sixty-two, sixty-five, sixty-seven, sixty-eight, eighty, eighty-three, ninety, one hundred twenty-three, one hundred twenty-four, one hundred thirty-one and one hundred forty-two thereof, and by adding new sections thereto to be numbered forty-eight a, fifty-six a, fifty-eight and seventy, and by repealing section sixteen thereof, all relating to the definition and regulation of the business of banking.

[Approved May 15, 1910. In effect July 22, 1910.]

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

Stats 1909,
p. 87.

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

"Commercial
bank."

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 and advertise for purchase or sale such securities as are permissible for investment by commercial banks. gold and silver bullion, or foreign coins or bills of exchange; *provided*, any commercial bank located and doing business in any place the population of which does not exceed five thousand persons, as shown by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, may, under such rules and regulations as may be prescribed by the superintendent of banks, act as the agent for any fire, life, or other insurance company authorized by the authorities of the State of California to do business in this state, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said bank and the insurance company for which it may act as agent; *provided, however*, that no such bank shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; *and provided, further*, that said bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

May act as
insurance
agent in
cities of less
than five
thousand

SEC. 2. Section eight of said act is hereby amended to read Stats 1917, p 601.
as follows:

Sec. 8. Every corporation, at the time it applies for a certificate of authority to do a banking business, must file with the superintendent of banks a certified copy of its articles of incorporation, or of the statute chartering such corporation, a certified copy of its by-laws, and also a certified copy of all instruments amending or altering such articles of incorporation or charter or by-laws. Thereafter a certified copy of each amendment or certificate designed to increase or decrease the capital stock, to change the number of directors, to amend the articles of incorporation, to change the principal place of business, or the name of such corporation, or to effect any other organic change shall likewise be so filed before such instrument takes effect. Each certification required by the provisions of this section other than that of by-laws must be by the secretary of state. Copy of articles of incorporation

SEC. 3. Section sixteen of said act is hereby repealed. Repealed.

SEC. 4. Section nineteen of said act is hereby amended to read as follows: Stats. 1913 p 146.

Sec. 19. The aggregate of paid-up capital together with the surplus, of every commercial bank, must equal ten per centum of its deposit liabilities. The aggregate of paid-up capital and surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities: Capital and deposit liabilities

(a) Ten per centum of any amount up to and including two million dollars.

(b) Seven and one-half per centum of any amount in excess of two million dollars up to and including five million dollars.

(c) Five per centum of any amount in excess of five million dollars up to and including fifteen million dollars.

(d) Two and one-half per centum of any amount in excess of fifteen million dollars up to and including forty million dollars.

(e) One per centum of any amount in excess of forty million dollars.

The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act; *provided*, that such deposit liabilities shall be exclusive of United States and postal savings deposits and deposits of the State of California and of any county and municipality in the State of California which are secured as required by law.

SEC. 5. Section twenty of said act is hereby amended to read as follows: Stats 1917, p. 604.

Sec. 20. Every commercial bank shall maintain total reserves against its aggregate deposits, exclusive of United States and postal savings deposits and deposits of the State Total reserves of commercial banks.

of California and of any county and municipality in the State of California, which are secured as required by law, as follows:

1. Eighteen per centum of such deposits if such bank has its principal place of business in a city having a population of one hundred thousand or over.

2. Fifteen per centum of such deposits, if such bank is located in a city having a population of fifty thousand or over and less than one hundred thousand.

3. Twelve per centum of such deposits if such bank is located elsewhere in the state.

How
maintained.

At least one-half of the total reserves shall be maintained as reserves on hand and shall consist of gold bullion or any form of money or currency authorized by the laws of the United States, and the remainder of the total reserves required by the provisions of this section shall be maintained as reserves on deposit or as reserves on hand; such reserves on hand to consist of gold bullion or any form of money or currency authorized by the laws of the United States; *provided, however*, that all or any part of the reserves may be deposited, subject to call, with a federal reserve bank in the district in which such bank is located.

If member
of federal
reserve bank.

If any bank shall have become a member of a federal reserve bank, it shall comply with the reserve requirements of the federal reserve act and its amendments, and its compliance therewith shall be in lieu of, and shall relieve such bank from compliance with, the provisions of this section.

Penalty for
not main-
taining
reserves.

If any bank shall not maintain the total reserves required the superintendent of banks may impose a penalty upon it, based upon the length of time such encroachment upon its total reserves amounting to one per centum or more of its aggregate deposits shall continue, at the following rates:

1. At the rate of six per centum per annum upon any such encroachment not exceeding two per centum of such deposits.

2. At the rate of eight per centum per annum upon any additional encroachment in excess of two and not exceeding three per centum of such deposits.

3. At the rate of ten per centum per annum upon any additional encroachment in excess of three and not exceeding four per centum of such deposits.

4. At the rate of twelve per centum per annum upon any additional encroachment in excess of four per centum of such deposits.

Reserve
depositories.

The superintendent of banks shall, in his discretion, upon the nomination of any bank, designate a depository or depositories for the reserves on deposit of such bank provided for by this act. Except as otherwise provided in this section, such depository shall be a bank or national banking association located in this state. Every reserve depository, which has its principal place of business in a judicial township or in a city located in this state in which the population is less than fifty thousand, shall have at all times as its total reserves an amount equal to the total reserves required by the provisions of this section for

every bank which has its principal place of business in a city having a population of fifty thousand or over and less than one hundred thousand. But no bank or national banking association shall hereafter be designated as a depository of any such reserves unless it shall have a combined capital and surplus of not less than the following amounts:

Required capital and surplus of depository.

1. Two hundred fifty thousand dollars, if located in a city which has a population of three hundred thousand or over;

2. Two hundred thousand dollars, if located in a city which has a population of one hundred thousand or over and less than three hundred thousand;

3. One hundred fifty thousand dollars, if located in a city which has a population of fifty thousand or over and less than one hundred thousand;

4. One hundred thousand dollars, if located elsewhere in the state.

Such depository may also be a banking corporation with a capital and surplus of one million dollars or more, located in any city in the United States.

If the total reserves of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or by paying any dividends from profits until the full amount of its total reserves has been restored. The superintendent of banks may notify any bank whose total reserves shall be below the amount herein required, to restore such total reserves; and, if it shall fail for thirty days thereafter to restore such total reserves, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act: *provided*, that all deposits of money herein permitted or required shall comply with the provisions of section forty-three of this act.

Restoration of reserves.

The term, "reserves on hand," when used in this act, means the reserves against deposits kept, pursuant to the provisions of this act, in the vault of any bank or in any safety deposit box in any other bank in this state, said box to be under the exclusive control of the depositing bank.

"Reserves on hand."

The term, "reserves on deposit," when used in this act, means the reserves against deposits maintained by any bank pursuant to this act in reserve depositories, or in a federal reserve bank in the district in which such bank is located and not in excess of the amount authorized by this act.

"Reserves on deposit."

The term, "total reserves," when used in this act, means the aggregate of reserves on hand and reserves on deposit maintained pursuant to the provisions of this act.

"Total reserves."

The term, "reserve depository," when used in this act, means a bank, trust company or banking corporation designated by the superintendent of banks on the nomination of the depositing bank as a depository for reserves on deposit.

"Reserve depository."

SEC. 6. Section twenty-one *a* of said act is hereby amended to read as follows:

Stats. 1913, p. 148.

Preference to
depositors.

Sec. 21a. No bank, banker, or bank officer, shall give preference to any depositor or creditor except as otherwise authorized by law; *provided*, that any commercial bank or commercial department of a departmental bank, is authorized and empowered for temporary purposes, to borrow money, or to borrow money and pledge or hypothecate as collateral security therefor, its assets not exceeding fifty per centum in excess of the amount borrowed, but only to the extent and upon terms and conditions as follows:

Terms and
conditions
on which
bank may
borrow
money.

(1) Any amount up to, but not exceeding the amount of its capital and surplus, without consent of the superintendent of banks; *provided, however*, that any amount borrowed, except as otherwise provided in this section, in excess of the amount of its capital and surplus, at such time actually paid in and remaining undiminished by losses or otherwise, must first be approved in writing by the superintendent of banks; *provided, also*, that no excess loan made to any such bank shall be invalid or illegal as to the lender, even though made without the consent of the superintendent of banks; *provided, also*, that the rediscounting with or without guarantee or endorsement with a federal reserve bank, of notes, drafts, bills of exchange and loans secured by obligations of the United States, is hereby authorized and shall not be limited by the terms of this act, and shall not be considered as borrowed money within the meaning of this section.

(2) Any amount of California, state, county, city, city and county funds, or any other public money, in the manner it is or may be authorized by law to borrow and receive such public money on deposit without the approval of the superintendent of banks.

(3) Any amount of the United States moneys and postal savings moneys of the United States, and receive such moneys on deposit, and pledge or hypothecate such of its securities and upon such terms as may be required by the laws of the United States or the rules and regulations of the secretary of the treasury of the United States, without the approval of the superintendent of banks.

(4) Any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States.

(5) To rediscount with and sell to a federal reserve bank any and all such notes, drafts, bills of exchange, acceptances and any other securities, with no other restrictions, and as fully, and to the same extent as this privilege is given to national bank members under the terms of the federal reserve act, or by regulations of the federal reserve board made pursuant thereto.

(6) No bank shall make partial payments upon any certificate of deposit.

(7) In no case shall an overdraft of more than ninety days' standing be allowed as an asset of any bank.

(8) Any debt due to any commercial bank, on which interest is past due and unpaid for the period of one year, unless the same is well secured, and is in process of collection, shall be considered a bad debt and shall be charged off to the profit and loss account at the expiration of that time.

SEC. 7. Section thirty-seven of said act is hereby amended to read as follows: Stats. 1915, p. 1111.

Sec. 37. No bank shall, except as otherwise provided in this act, purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on an obligation owned or on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within three years after such purchase or acquisition unless the superintendent of banks shall extend the time of its sale for a period not to exceed two years. Investment in capital stock of corporations.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one trust company organized and existing under the laws of this state, and doing business in the same city in which the principal place of business of such bank is located; *provided, however,* that not more than an amount equal to twenty-five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such trust company or such other corporation; *and provided, further,* that no such trust company shall engage in or combine the business of a commercial bank or a savings bank or a title insurance company. Stock of trust company.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold, the whole or any part of the capital stock of not more than one corporation authorized and empowered to conduct a safe deposit business, which such corporation is organized and existing under the laws of this state and doing business in the same city in which the principal place of business of such bank is located; *provided, however,* that not more than an amount equal to ten per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such safe deposit corporation. Stock of safe deposit corporation.

SEC. 8. Section forty-three of said act is hereby amended to read as follows: Stats. 1917, p. 609.

Sec. 43. No bank shall deposit any of its funds in any other bank, except a federal reserve bank, unless such other bank has been nominated as a depository for its funds by the vote of a majority of the directors or trustees of the bank Deposit of funds in another bank.

making the deposit, and such other bank has been designated by the superintendent of banks as such depository.

The superintendent of banks may in his discretion revoke such a designation.

SEC. 9. A new section is hereby added to said act, to be numbered forty-eight *a.* and to read as follows:

National
banking asso-
ciation under
federal
reserve act.

Sec. 48*a.* Any national banking association, whose principal place of business is in this state, is hereby authorized to act in fiduciary capacities in all respects as provided by the acts of congress, approved December 23, 1913, and amendments thereof, commonly known as the federal reserve act, and all acts herein provided to be performed by the state treasurer, the superintendent of banks or other public officials for or in respect of trust companies, shall be performed for such national banking association equally with trust companies. Every such national banking association which shall be authorized to exercise said fiduciary powers, and which has qualified by making the deposit of securities required by the law of this state, may act, or may be appointed by any court to act in any such capacity in like manner as an individual. The superintendent of banks shall inspect and examine the books, records and assets of the trust department of each national banking association which conducts a trust department in this state to the same extent that the said superintendent of banks exercises visitorial supervision over trust companies organized and existing under the laws of this state.

Charge by
state banking
department
for services.

The charge by the state banking department for all services rendered to any national banking association by the superintendent of banks, in accordance with the provisions of this section, shall be paid by the national banking association requiring such services. Such charge for services shall be determined by the superintendent of banks, and shall be no higher than the charge for a similar service to trust companies organized under the laws of this state.

The cost of all regular and ordinary service shall be calculated upon the amount of the securities deposited by each such national bank with the treasurer of the state for the due execution and faithful performance of its court and private trusts at the same ratio as is applied to the capital and surplus of trust companies organized under the laws of this state in determining the cost to them for such services.

The cost of all special and extraordinary services shall be the same as that provided for in section one hundred twenty-four of this act.

Stats. 1915,
p. 1112.

SEC. 10. Section fifty-six of said act is hereby amended to read as follows:

Authority to
become
member of
federal
reserve bank.

Sec. 56. Any bank is hereby authorized and empowered to become a member of a federal reserve bank.

Nothing in this act shall prohibit any such bank from becoming a member of a federal reserve bank, in the manner provided in the federal reserve act, nor from investing any

part of its capital or surplus or reserve fund in the capital stock of such federal reserve bank, in accordance with the terms and provisions of such federal reserve act; *provided*, that such investment shall in no case exceed the minimum amount required to join or associate itself with or maintain membership in such federal reserve bank; *provided, also*, that such investment may be carried in either the commercial, savings, or trust department, or may be apportioned to any two or all three of such departments of any departmental state bank member.

Any bank joining or associating itself with such federal reserve bank shall have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member bank in any such federal reserve bank, by the provisions of the federal reserve act and the regulations of the federal reserve board. Such member bank and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by the bank act and by any other law of this state. Powers.

Any bank which shall have become a member of a federal reserve bank shall be subject to the examinations required under the terms of the federal reserve act, and the superintendent of banks may, in his discretion, accept such examination in lieu of the examination required under the provisions of this act, and he, his agents and employees, may furnish to the federal reserve board, the federal reserve bank, or to examiners duly appointed by the federal reserve board or the federal reserve bank, copies of all examinations made, and may disclose to such federal reserve board, federal reserve bank, or examiner, any information with reference to the condition or affairs of state bank members. Subject to federal reserve examinations.

SEC. 11. A new section is hereby added to said act, to be numbered fifty-six *a*, and to read as follows:

Sec. 56*a*. Nothing in this act shall prevent or prohibit any bank from converting into a national banking association under the provisions of section five thousand one hundred fifty-four of the United States revised statutes, or section eight of the federal reserve act, or any other federal or state law; *provided, however*, that no savings bank and no departmental bank having a savings department, organized and existing under the laws of the State of California, shall convert into a national banking association except upon the following conditions: Bank converting into national banking association.

1. Coincident with its application to the comptroller of the currency, any such savings or departmental bank shall file with the superintendent of banks formal notice of intention to convert into a national banking association. Notice of intention.

2. Prior to conversion, any such savings or departmental bank shall place in the hands of the superintendent of banks— Notice of conversion.

(*a*) A constructive notice for newspaper advertisement, directed to its savings depositors, of the fact of conversion;

(b) Actual notice addressed to each and every savings depositor, at his or her last known address, enclosed in stamped and addressed envelopes ready for mailing, this notice to be as follows:

"You are hereby notified that the undersigned, formerly the -----, now the -----, has converted from a banking corporation existing under the laws of California into a national banking association; and has therefore ceased to be under the jurisdiction and direction of the California state banking department and the bank act of California, and is now under the jurisdiction and control of the federal reserve act and the national act." No other matter may be enclosed with this notice unless by permission of the superintendent of banks.

Surrender of
state license.

3. Upon conversion said bank shall file with the superintendent of banks a copy of its authorization as a national banking association, certified by the comptroller of the currency; and shall surrender to the superintendent of banks its license as a state banking corporation.

Advertise-
ment of
conversion.

4. Immediately following the conversion of a state bank, the superintendent of banks shall cause the publication of the notice provided in subdivision (a) of paragraph two of this section; same to be at least once a week for four successive weeks in a newspaper of general circulation, printed and published in every town where said bank transacts its business and if there be no such paper in any such town or towns, then in the county where such bank transacts its business, and the superintendent of banks shall cause to be mailed the notices provided in subdivision (b) of paragraph two of this section. The advertisement shall be at the expense of the converting bank, prepaid to the department.

SEC. 12. A new section is hereby added to said act, to be numbered fifty-eight, and to read as follows:

Application
for permis-
sion to
engage in
foreign
banking.

Sec. 58. Any bank possessing a capital and surplus of one million dollars or more may file application with the superintendent of banks for permission to exercise, upon such conditions and under such regulations as he may prescribe, either or both of the following powers:

First—To establish branches in foreign countries or in dependencies or insular possessions of the United States for the furtherance of the foreign commerce of this state and of the United States.

Second—To invest an amount not exceeding in the aggregate ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered or incorporated under the laws of the State of California, and principally engaged in international or foreign banking or banking in a dependency or insular possession of the United States either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions.

Such application shall specify the name and capital of the bank filing it, the powers applied for and the place or places

where the banking operations proposed are to be carried on. The superintendent of banks shall have power to approve or to reject such application in whole or in part if for any reason the granting of such application is deemed inexpedient, and shall also have power from time to time to increase or decrease the number of places where such banking operations may be carried on.

Every bank operating foreign branches shall be required to furnish information concerning the condition of such branches to the superintendent of banks upon demand, and every bank investing in the capital stock of banks or corporations described under subparagraph two of the first paragraph of this section shall be required to furnish information concerning the condition of such banks or corporations to the superintendent of banks upon demand, and the superintendent of banks may order special examinations of the said branches, banks or corporations at such time or times as he may deem best. The cost of such special examinations shall be paid by said branches, banks or corporations.

Information
regarding
foreign
branches.

Before any bank shall be permitted to purchase stock in any such corporation the said corporation shall enter into an agreement or undertaking with the superintendent of banks to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said superintendent of banks may prescribe for the place or places wherein such business is to be conducted. If at any time the superintendent of banks shall ascertain that the regulations by him are not being complied with, said superintendent of banks shall be authorized and shall have power to institute an investigation of the matter and to send for persons and papers, subpoena witnesses and administer oaths in order to satisfy himself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the bank or banks which may be stockholders therein, to comply with the regulations laid down by the said superintendent of banks, such banks may be required to dispose of stock holdings in the said corporation upon thirty days' notice, and in the event of their noncompliance with such order the superintendent of banks may institute proceedings for forfeiture of license.

Regulations
by superin-
tendent.

Every such bank shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accruing to each branch as a separate item.

SEC. 13. Section sixty-one of said act is hereby amended to read as follows:

Stat: 1917,
p. 580.

Sec. 61. Any savings bank may purchase, hold and convey real or personal property as follows:

Purchase of
real or
personal
property
by savings
banks.

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes necessary or proper to carry on its banking

business; such lot and building, furniture and fixtures, vaults and safe deposit vaults and boxes shall not, in the aggregate, be carried on the books of such bank as an asset to an amount exceeding its paid-up capital and surplus; and hereafter, the authority of a two-thirds vote of all of the directors shall be necessary to authorize the purchase of such lot and building, or the construction of such building.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at any sales under pledge, mortgage or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

Limitations
on purchase
of personal
property.

No savings bank shall purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation for the convenient transaction of its business, notes or bonds secured by trust deeds or mortgages on real estate, bonds, securities or evidences of indebtedness, public or private, gold or silver bullion and United States mint certificates of ascertained value, and evidences of debt issued by the United States. No savings bank shall purchase, own, hold or convey bonds, securities or evidences of indebtedness, public or private, except as follows:

Purchase
of bonds.

United
States bonds.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under authority of the United States:

Foreign
bonds.

(aa) Bonds or interest-bearing notes or obligations of England or the United Kingdom of Great Britain and Ireland, or France, or the Dominion of Canada, or those for which the faith and credit of any one or more of said countries are pledged for the payment of principal and interest; or bonds or interest-bearing notes or obligations of any other foreign country or government, which bonds or interest-bearing notes or obligations shall have first been approved by the superintendent of banks in writing;

State of
California
bonds.

(b) Bonds of this state, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city or school district of this state;

State bonds.

(c) Bonds or stocks or notes of any state in the United States that has not, within five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, in any state of the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; *provided, however*, that the entire bonded indebtedness of such county, city and county, city or

town, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; *and provided, further*, that such county, city and county, city or town, or the state in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within five years next preceding such investment;

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks; District
bonds.

(e) Bonds of any district organized under the laws of the State of California not otherwise provided for in this section; or those of any mutual water company organized under the laws of this state and operating wholly within this state; *provided*, that all bonds specified in this paragraph shall first be certified by the superintendent of banks after an investigation in manner and form as is provided for by section sixty-one (a) of this act; *and provided, further*, that no bonds of any mutual water company shall be certified by the superintendent of banks unless the company issuing said bonds shall have been in continuous operation for a period of five years next preceding the application for said certificate and shall have served not less than seventy-five per centum of the lands entitled to service by said mutual water company for a period of not less than three years next preceding the application for said certificate;

(f) (1) Bonds of any railroad corporation incorporated under the laws of the State of California and operating exclusively therein; *provided*, said corporation has had net earnings for the period herein fixed amounting to at least one and one-fourth times the interest on all its outstanding mortgage indebtedness; or, Bonds of
railroad
corporation.

(2) Bonds of any railroad corporation incorporated under the laws of any state in the United States, operating at least five hundred miles of standard gauge track exclusive of sidings; *provided*, said corporation has had net earnings for the period herein fixed amounting to at least one and one-half times the interest on all its outstanding mortgage indebtedness; or,

(3) Bonds of any railroad corporation, the payment of which has been guaranteed, both as to principal and interest, by a railroad corporation meeting the requirements of either subdivision (1) or (2) of paragraph (f) of this section; *provided*, that such guaranteeing corporation has had for the period herein fixed net earnings amounting to at least one and one-half times the interest on all its outstanding mortgage indebtedness and, in addition thereto, sufficient, taken with the earnings of all corporations whose bonds it has guaranteed,

to qualify as investments for savings banks, as in this section provided, all such guaranteed bonds; *provided*, that the excess of income of any corporation whose bonds have been so guaranteed, over the amount required by this section for such corporation, shall not apply to or be included in determining the income so required; *provided, further*, that the guarantee of such bonds hereafter guaranteed must establish a lien upon all the operating properties of the guaranteeing corporation, which lien must take precedence over any subsequent issues of mortgage obligations by said guaranteeing corporation.

Rule for
determina-
tion of
income.

In determining the income of any corporation specified in paragraph (f) of subdivision three of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation or corporations, the entire business and income producing property of which the corporation issuing such bonds has wholly acquired.

Security.

All bonds authorized for investment by paragraph (f) of subdivision three of this section must be secured by a mortgage or deed of trust which is, at the time of making such investment, either

First
mortgage.

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements specified in the respective subdivisions of this paragraph applicable to such corporation after including the additional bonds then proposed to be issued; or,

Refunding
mortgage.

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation, and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements specified in the respective subdivisions of this paragraph applicable to such corporation after including the additional bonds then proposed to be issued; or,

Trust deed
on operative
property.

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes, and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust, or, if such income, maintenance charges or operating expenses can not be definitely ascertained, on the proper proportionate share of such property in the general income, maintenance

charges, operating expenses, and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust; *provided, however,* that if the payment of the bonds secured by such underlying or divisional closed mortgage or deed of trust shall be guaranteed or assumed by the corporation then owning the property securing the same, such bonds shall be legal investments for savings banks, if the net income of such corporation from all sources shall equal the amount herein required, notwithstanding any insufficiency of the income derived from the property covered by such underlying or divisional closed mortgage or deed of trust to meet the requirements of this section.

Guaranteed
railroad
bonds legal
investments
for savings
banks.

No savings bank shall purchase the bonds of any railroad corporation deriving less than twenty per centum of its gross receipts from passenger revenues.

The term, "railroad corporation," when used in paragraph (f) of subdivision three of this section, shall have the meaning defined in the "public utilities act."

(g) Bonds of any street railroad corporation; or of any gas; water; pipe line; light; power; light and power; gas, light and power; electrical; telephone; telegraph; or telephone and telegraph corporation or of any other "public utility" incorporated under the laws of the State of California; and

Public
utility
bonds.

(1) Operating exclusively in the State of California, provided said corporation has had, for the period herein fixed, net earnings amounting to one and one-half times the interest on all its outstanding mortgage indebtedness; or,

(2) Operating its property in part within the State of California, provided said corporation has had, for each of its two fiscal years next preceding such investment, net earnings amounting to one and one-half times the interest on all its outstanding mortgage indebtedness; or,

(3) The payment of which is guaranteed, both as to principal and interest, by a public utility corporation meeting the requirements of either subdivision (1) or (2) of paragraph (g) of this section, provided that such guaranteeing corporation has had for the period required in the respective subdivisions of this paragraph relating thereto, net earnings amounting to at least one and one-half times the interest on all of said guaranteeing corporation's outstanding mortgage indebtedness, and, in addition thereto, sufficient, taken with the earnings of all corporations whose bonds it has guaranteed, to qualify as investments for savings banks, as in this section provided, all such guaranteed bonds; *provided,* that the excess of income of any corporation whose bonds have been so guaranteed, over the amount required by this section for such corporation, shall not apply to or be included in determining the income so required; *provided, further,* that the guarantee of such bonds hereafter guaranteed must establish a lien upon all the operating properties of the guaranteeing corporation

which lien must take precedence over any subsequent issues of mortgage obligations by said guaranteeing corporation.

In determining the income of any corporation specified in paragraph (g) of subdivision three of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income producing property of which the corporation issuing such bonds has wholly acquired.

Security.

All bonds authorized for investment by paragraph (g) of subdivision three of this section must be secured by a mortgage or deed of trust which is at the time of making such investment; either

First mortgage.

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements specified in the respective subdivisions of this paragraph applicable to such corporation after including the additional bonds then proposed to be issued; or,

Refunding mortgage.

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

Trust deed on operative property.

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust or, if such income, maintenance charges or operating expenses can not be definitely ascertained, on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust; *provided, however,* that if the payment of the bonds secured by such underlying or divisional closed mortgage or deed of trust shall be guaranteed or assumed by the corporation then owning the property securing the same, such bonds shall be legal investments for savings banks, if the net income of such corporation from all sources shall equal the amount herein required, notwithstanding any

insufficiency of the income derived from the property covered by such underlying or divisional closed mortgage or deed of trust to meet the requirements of this section.

The terms "street railroad corporation," "pipe line corporation," "gas corporation," "electrical corporation," "telephone corporation," "telegraph corporation," "water corporation," and "public utility," when used in paragraph (g) of subdivision three of this section, shall have the meaning defined in the "public utilities act."

Definitions.

(h) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; *and provided, further*, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security.

Notes secured by first mortgage.

In determining the market value of any real estate under the provisions of paragraph (h), subdivision three of this section, where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Market value of oil and timber land.

(i) Collateral trust bonds or notes when secured by either:

Collateral trust bonds.

(1) Deposit of bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or,

(2) Deposit of bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

(3) Deposit of any notes or bonds authorized for investment by this section and other securities of a combined market value of at least thirty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of such collateral trust bonds or notes issued shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section; *provided, further*, that the collateral pledged consist of bonds authorized for investment by this section of the market value of at least seventy-five per centum of the par value of such collateral trust bonds or notes issued.

Legal investment in New York and Massachusetts.

(j) Bonds legal for investment by savings banks in the states of New York or Massachusetts; *provided, however*, that as to bonds of the character specified in paragraph (c) of subdivision three of this section, such bonds shall also conform to the requirements of such paragraph.

Guaranteed payment.

(k) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code.

"Net earnings."

"Net earnings" as used in this section shall be deemed to mean the amount remaining after deducting from the gross earnings all taxes, maintenance charges and operating expenses except depreciation charges, sinking fund charges and interest on indebtedness.

Unless herein otherwise expressly provided the period for which any corporation must have "net earnings" sufficient to qualify its bonds as an investment for savings banks under this section shall be either the fiscal year of such corporation next preceding the investment therein by any savings bank or twelve consecutive months in the fourteen months next preceding such investment.

Bonds, etc., certified by superintendent of banks.

No notes, bonds, or other securities shall be deemed to come within or conform to the requirements of either of paragraphs (f), (g), (h), or (i) of subdivision three of this section, unless such notes, bonds or other securities shall, in the manner provided in this act, have been certified by the superintendent of banks to come within and fully conform to the requirements of one or the other of said paragraphs; *provided, however*, that any bank may, without such certification by the superintendent of banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (h), whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; *provided, also*, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; *and provided, also*, that nothing in this paragraph shall be construed to permit savings banks to invest in notes or certificates evidencing participation in any mortgage on real estate unless in this act specifically authorized or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

Legality of previous investments not affected.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine; or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as will bring such bonds to par at maturity.

Investment
value of
bonds.

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the superintendent of banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the state of California and operated exclusively therein, notwithstanding such bonds do not conform to the requirements in this section contained: *provided*, any bonds so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition.

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either:

Bonds of
public
utilities.

(a) Issued prior to the taking effect of the "public utilities act"; or,

(b) Issued under authority of the railroad commission, in accordance with the provisions of said act; or,

(c) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section fifty-two of said act.

No provision of this act, and no act or deed, done or performed under or in connection therewith, and no finding made or certificate issued under any provision thereof, shall be held or construed to obligate the State of California to pay, or be liable for the payment of, or to guarantee in any manner whatsoever, the regularity or the validity of the issuance of any stock or bond certificate, or bond, note, or other evidence of indebtedness certified under any provision of this act, by the superintendent of banks.

State does
not guaran-
tee validity
of bonds.

It shall not be lawful for any individual, firm, association, bank, trust company, stock company, copartnership or corporation to advertise by newspaper or circular or in any other manner that any securities are legal investments for savings banks in this state or to use any advertisement which might lead the public to believe that any securities conform to the requirements of law relating to investments by savings banks

Advertise-
ment of
bonds as
legal
investment.

unless such securities are such as are specified in paragraphs (a), (aa), (b), (c), (d), (e), (j), or (k) of subdivision three of this section or shall, in the manner provided in this act, have been certified by the superintendent of banks to come within and fully conform to the requirements of one or the other of paragraphs (f), (g), (h), or (i) of subdivision three of this section or unless such advertisement shall have been approved in writing by the superintendent of banks prior to publishing, circulating or otherwise issuing the same. Any individual, firm, association, bank, trust company, stock company, copartnership or corporation who shall advertise any securities in violation of the provisions of this paragraph shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding one year or by both such fine and imprisonment.

Penalty
for false ad-
vertisement.

Stats. 1917,
p. 394.

Superintend-
ent of banks
may invest-
igate bonds.

Opinions of
attorneys.

SEC. 14. Section sixty-one *a* of said act is hereby amended to read as follows:

Sec. 61*a*. The superintendent of banks shall have power, when any issue of bonds or securities is presented to him for that purpose, to investigate and ascertain whether such bonds or securities come within and fully conform to all the requirements of paragraphs (f), (g), (h), or (i) of subdivision three of section sixty-one of this act, or of either of said paragraphs. He may also investigate and ascertain for what period of time, and upon what conditions, any franchise granted to or held by any corporation issuing any such bonds or securities will remain in force, and any other facts or conditions bearing upon the value or sufficiency of such bonds. The superintendent of banks may accept and act upon the opinions and appraisements of any attorneys, engineers, or appraisers which may be presented by such person or corporation, so applying, and the reports of any of the executive officers of the corporation issuing such bonds or securities, on any question of fact concerning or affecting such bonds or securities, the security thereof, the franchise conditions herein mentioned, or the financial condition of the corporation issuing the same. In lieu of or in addition to such opinions, appraisements and reports, the superintendent of banks may, if he deems proper, have any or all such matters passed upon and certified to him by attorneys, engineers, appraisers or accountants of his own selection at the expense of the applicant. If the superintendent of banks shall find from such investigation that the bonds or securities so presented come within and fully conform to all the requirements of any of said paragraphs of subdivision three of section sixty-one of this act, and is satisfied from such investigation as to such franchise conditions, he shall so certify unless for any reason he shall be of the opinion that such bonds are not a safe or proper investment for savings banks, and in such event or if such bonds shall fail to meet the requirements of this act such certificate must be refused. The superintendent of banks also shall

have power to investigate and ascertain the status and sufficiency as investments for savings banks of any bonds specified in paragraph (e) of subdivision three of section sixty-one of this act. If upon such investigation it shall be determined in the opinion of the superintendent of banks that any bond specified in said paragraph (e) of subdivision three of section sixty-one of this act constitutes a proper investment for savings banks he shall so certify.

Any certificate issued by the superintendent of banks under authority of the provisions of this section may be revoked at any time in his discretion. Any certificate issued in relation to notes or bonds specified in paragraphs (f), (g) or (i) of subdivision three of section sixty-one of this act shall expire not later than three months after the end of the then current fiscal year of the corporation issuing such notes or bonds.

Certificates
revoked.

Any such certificate so expiring may be renewed or extended by the superintendent of banks without application therefor from such corporation or other interested parties if he shall be satisfied that the notes or bonds referred to in said certificate are in conformity with the then requirements of section sixty-one of this act.

Renewal or
extension of
certificate.

The actual expense of investigating any issue of bonds or securities so presented shall be paid by the person, district or corporation presenting the same for investigation, and the superintendent of banks, before making such investigation, may require a cash deposit of such amount as he may deem necessary to cover such expense. The superintendent of banks shall keep an official list of all bonds and securities certified by him.

Expenses.

SEC. 15. Section sixty-two of said act is hereby amended to read as follows:

Stats. 1911,
p. 1013.

Sec. 62. No savings banks shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided.

Savings
banks not to
trade in real
property.

Savings banks may pay regular depositors, when requested by them, by draft upon deposits to their credit with their banks, and charge current rate of exchange for such drafts.

Drafts.

No savings bank shall borrow money, or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and nays upon each vote; also with the written approval of the superintendent of banks, and he shall have the authority to fix the amount to be borrowed, the amount and character of the securities to be pledged or hypothecated, and the term and rate of interest thereon; *provided*, that any savings bank may, for the purpose of performing its functions and transacting its business as authorized by

Savings
banks
borrowing
money.

this act, rediscount, with or without guarantee or endorsement, with the federal reserve bank, its acceptances, notes or any other securities, available for rediscount with a federal reserve bank, in any amount up to but not exceeding its capital and surplus or reserve without consent of the superintendent of banks, and shall not be considered as borrowed money within the meaning of this section; *provided, also*, that savings banks may, in the manner authorized by law, and without the previous approval of the superintendent of banks, borrow the public moneys of the United States, the State of California, the counties, cities and counties, and towns of said State of California and receive such public moneys on deposit; *provided, also*, that savings banks may, in the manner authorized by law, and without the previous approval of the superintendent of banks, borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit; *and provided, further*, savings banks may borrow any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States, but only in pursuance of a resolution of a majority of its board of directors, duly entered upon their minutes, and without the previous approval of the superintendent of banks, but the fact of such transaction shall forthwith be reported in writing to the superintendent of banks. No excess loan made to any savings bank with or without pledge of assets shall be invalid or illegal as to the lender.

Savings
banks may
borrow pub-
lic moneys.

Stats 1917,
p. 609.

No loan to
director or
officer.

Sec. 16. Section sixty-five of said act is hereby amended to read as follows:

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of a majority of all the directors of such savings bank and the affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; *provided, however*, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; *provided, also*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote upon such a loan made by one bank to another bank where the entire capital stock of one is owned by or held in trust for the stockholders of the other bank and where all or a majority of the board

of directors of each of said banks are composed of the same persons. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer, or director of the corporation to which such loan is made, the amount of stock held by him in such borrowing corporation, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. No loan may be made to any corporation, a majority of the stock of which is owned or controlled by any one or more of the directors or officers of such savings bank, except with the previous consent of the superintendent of banks.

Record of loan.

Report of loan to superintendent of banks.

A loan may be made to any agent or employee, other than an officer or director, of any savings bank by such bank upon authorization of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; *provided, however,* that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. Any officer or director of any savings bank, who knowingly procures a loan from such savings bank, contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Loan to agent or employee.

Record of loan.

Report to superintendent of banks.

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest.

Not applicable to what corporation.

Loans to
director on
security.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of United States bonds, United States treasury certificates, or interest-bearing notes, or obligations of the United States, or those for which the faith and credit of the United States are pledged for repayment of principal or interest, or those issued under authority of the United States, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Stats. 1917,
p. 595.

SEC. 17. Section sixty-seven of said act is hereby amended to read as follows:

Limitation
on loans.

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. No such loan shall be made on unsecured notes; *provided*, that a savings bank may discount or purchase bankers' or trade acceptances, notes, drafts and bills of exchange of the kind and character and maturities defined and made eligible for rediscount with a federal reserve bank; *provided, also*, that the same are accepted or endorsed without qualification by a bank or trust company, which bank or trust company has a paid-in capital of at least one million dollars; *and provided, also*, that a savings bank may discount or purchase a bill which must comply with the following requirements:

Requirements
for bill of
exchange.

(a) It must be a bill issued by a solvent individual or firm or corporation engaged in mercantile or manufacturing business in the United States that makes statements of its condition duly ascertained and certified to by a public accountant. Copy of such a certified statement shall be on file in the office of the savings bank discounting or purchasing such bill in a file maintained for such purpose. Said statement shall have been issued within the preceding fourteen months and shall be the latest issued by said individual or firm or corporation. Said statement shall consist of a balance sheet showing quick assets, slow assets, permanent or fixed assets, current liabilities and accounts, short term loans, long term loans, capital and surplus. Accompanying said balance sheet shall be a copy of a statement from the borrower or public accountant concerning the following:

- (1) The nature of the business.
- (2) All contingent liabilities such as endorsements or guarantees.
- (3) Particulars respecting any mortgage debts and whether there is any lien on current assets.
- (4) The maximum and minimum liabilities of the individual, firm or corporation during the twelve months previous to the date of audit.

(b) It must be issued by an individual, firm or corporation whose net worth is not less than two times the amount of its outstanding liabilities, including any contingent liabilities

arising from the rediscount of bills receivable or other accommodation endorsements, nor less than three hundred thousand dollars. The quick assets of said individual, firm or corporation, consisting of merchandise, finished, raw, and in the process of manufacture, accounts receivable, bills receivable, bonds or obligations of the government of the United States at the then market value of said bonds or obligations and cash, shall not be less than two times its outstanding quick liabilities including any contingent liabilities arising from the rediscount of bills receivable or other accommodation endorsements, as shown by said statement.

(c) It must have a maturity of not more than six months.

(d) It must have arisen out of actual commercial transactions; that is, be a bill which has been issued or drawn for industrial or commercial purposes or the proceeds of which have been or are to be used for such purposes.

No bill shall be eligible for discount or purchase by a savings bank, the proceeds of which have been used or are to be used for any of the following purposes:

Bills not eligible for discount or purchase.

(1) For investments of a merely speculative character whether made in goods or otherwise.

(2) Must not have been issued for carrying or trading in stocks, bonds or other investment securities, except bonds of the government of the United States, and must not cover merely investments.

(3) Must not be a bill of any individual, firm or corporation which has under pledge or hypothecation any of its personal assets.

The word "bill," when used in this section, shall be construed to include notes, drafts, or bills of exchange, and the word "goods" shall be construed to include goods, wares or merchandise.

Any savings bank purchasing or discounting such paper shall have in a file maintained for the purpose, letters from banks and merchants or mercantile reports bearing upon the credit and standing of the person, firm, copartnership or corporation whose paper is under discount.

Credit reports.

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, a combined total amount of bankers' and trade acceptances, drafts and bills of exchange and bills of the character defined and limited by this section, greater than twenty per centum of the deposits of such bank, nor shall any savings bank at any time acquire or hold, directly or indirectly, by discount or purchase, an amount of bills, of the character defined and limited by this section, greater than twelve and one-half per centum of the deposits of such bank. No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, any such bankers' or trade acceptances, drafts and bills of exchange from any one acceptor in an amount which shall exceed five per centum of the capital and surplus or reserve of such savings bank nor shall any savings bank at any time acquire or hold, directly

Limitation on amount.

or indirectly, by discount or purchase, any such bills of any one person, firm, copartnership or corporation in an amount which shall exceed five per centum of the capital and surplus or reserve of such savings bank.

Loans on
bonds.

2. No savings bank shall invest or loan an amount greater than fifty per centum of its actual paid-up capital and surplus on any one note or bond issue of the class specified in paragraph (*h*), or on the securities issued by any one mortgage insurance company of the class specified in paragraph (*k*) of subdivision three of section sixty-one of this act, nor more than five per centum of its assets on any one bond issue of any other class, except bonds of the United States, or interest-bearing notes or obligations of the United States, or bonds of the State of California, bonds for which the faith and credit of the United States or of the State of California are pledged, or bonds of any county, city and county, city or school district in this state, or bonds of any irrigation district such as are legal for investment by savings banks.

3. No savings bank shall loan money:

(*a*) On bonds of the character specified in paragraphs (*a*), (*aa*), (*b*), (*c*) and (*d*) of subdivision three of section sixty-one of this act, or on bonds of the character specified in paragraph (*e*) of subdivision three of section sixty-one of this act the principal and interest of which are to be paid in whole or in part by taxes levied upon the property in the district issuing such bonds, unless such bonds shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(*b*) On bonds of the character specified in paragraphs (*f*), and (*g*) or on bonds or notes of the character specified in paragraph (*i*) of subdivision three of section sixty-one of this act, when eligible as investments for savings banks pursuant to said section, or on bonds of the character specified in paragraph (*e*) of subdivision three of section sixty-one of this act other than those specified in the preceding paragraph of this section, unless such bonds or notes shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(*c*) On bonds legal for investment by savings banks in the states of New York or Massachusetts, unless such bonds shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(*d*) On notes or bonds of the character specified in paragraph (*h*) of subdivision three of section sixty-one of this act when certified as legal investments for savings banks under the provisions of section sixty-one *a* or on securities of the character specified in paragraph (*k*) of subdivision three of said section eligible for investment by savings banks, unless such bonds, notes or securities shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(e) On personal property unless such personal property shall have a market value at least fifty per centum in excess of the amount loaned thereon; or,

(f) On other bonds, or on capital stock of any corporation, unless such bonds or stock shall have a market value at least fifty per centum in excess of the amount loaned thereon; *provided, however*, that no loan shall be made upon the capital stock of any bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock.

4. No savings bank shall make any loan on security of real estate, except it be a first lien, and in no event to exceed sixty per centum of the market value of any real estate taken as security except for the purpose of facilitating the sale of property owned by such savings bank; *provided*, that a second lien may be accepted to secure the repayment of a debt previously contracted in good faith; *and provided, also*, that any savings bank holding a first mortgage or deed of trust on real estate may take or purchase and hold or loan upon another and immediately subsequent mortgage or deed of trust thereon, but all such loans shall not exceed in the aggregate sixty per centum of the market value of the real estate securing the same; *provided, further*, that a savings bank may loan not to exceed ninety per centum of the face value of a mortgage which constitutes a first lien upon real estate, but in no event shall any such loan exceed ninety per centum of sixty per centum of the market value of the real estate covered by said mortgage or deed of trust.

Loans on
real estate.

5. No savings bank shall loan to any one borrower on the security of the capital stock of any corporation an amount exceeding ten per centum of the capital stock and surplus of such savings bank; *provided*, that all loans on the capital stock of any one corporation shall not exceed in the aggregate twenty-five per centum of the capital stock and surplus of such savings bank.

Loans on
capital stock
of corpora-
tions.

6. No savings bank shall purchase, invest or loan its capital, surplus or the money of its depositors, or any part of either, in mining shares or stock and any president or managing officer who knowingly consents to a violation of any provision of this paragraph shall be guilty of a felony.

No loans
on mining
stock.

SEC. 18. Section sixty-eight of said act is hereby amended to read as follows:

Stats 1917,
p. 611.

Sec. 68. Every savings bank or savings department of a bank shall at all times maintain total reserves equivalent to five per centum of the aggregate amount of its deposits, exclusive of United States, postal savings bank, state, county and municipal, and other public money deposits, which are secured as is required by law; at least two and one-half per centum of such deposits shall be maintained as reserves on hand, which shall consist of gold bullion, or any form of money or currency authorized by the laws of the United States, and two and one-half per centum of such deposits may be maintained as reserves

Total
reserves of
savings
banks.

Deposit of
reserves.

on hand, which shall consist of bonds, or interest bearing obligations of the United States, of gold bullion, or any form of money or currency authorized by the laws of the United States or may be maintained as reserves on deposit subject to call with any reserve depository provided for in sections twenty and forty-three of this act; *provided, however*, that all or any part of the reserves may be deposited, subject to call, with a federal reserve bank in the district in which such bank is located; *provided, also*, that no savings bank or savings department shall be required to maintain reserves on hand in excess of four hundred thousand dollars, and when such reserves on hand reach that amount, the balance of total reserves necessary to make up the five per centum may be kept as reserves on deposit, subject to call, with any reserve depository provided for in sections twenty and forty-three of this act.

Reserves of
member of
federal
reserve
bank.

If any bank shall have become a member of a federal reserve bank, it shall at all times maintain the reserves required by the federal reserve act for time deposits, and in addition thereto shall be required to maintain a reserve of at least two per centum of its aggregate deposits, exclusive of United States, postal savings, state, county and municipal, and other public money deposits, which are secured as is required by law, which two per centum shall consist of gold bullion, or any form of money or currency authorized by the laws of the United States.

Failure to
maintain
reserves.

If any savings bank shall fail to maintain its total reserves in the manner authorized by this section, it shall be subject to the penalty provided for in section twenty of this act for commercial banks.

Dealings
with com-
mercial
banks.

No new loan shall be made during any deficiency in the total reserves. Deposits with any commercial bank, or commercial department of a bank, on open account, as provided in this section, shall be permitted and shall not be construed as loans. Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the superintendent of banks. Not more than fifteen per centum of the deposits of any savings bank shall be deposited with all commercial banks, except with the consent of the superintendent of banks. No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the reserves on deposit of such depositing bank; *provided*, the sum so deposited shall not exceed thirty per centum of the paid-in capital and surplus of the depositing bank nor more than fifteen per centum of the paid-in capital and surplus of the depository bank.

SEC. 19. A new section is hereby added to said act, to be numbered seventy, and to read as follows:

Power to
receive
Liberty
bonds.

Sec. 70. Every savings bank shall have power to receive as depository, or as bailee for safe keeping and storage, Liberty bonds or other bonds or securities issued by the United States government for war purposes or otherwise.

SEC. 20. Section eighty of said act is hereby amended to read as follows:

Stats. 1917, p. 611.

Sec. 80. No commercial bank shall make any loans, directly or indirectly, to any person, firm, copartnership or corporation, in an amount which, including therein any extension of credit to such person, firm, copartnership or corporation, by means of letters of credit; or by acceptance of drafts for, or the discount or purchase of the notes, bills of exchange or other obligations of, such person, firm, copartnership or corporation, shall exceed the following percentage of its capital and surplus:

Loans of commercial banks.

1. Ten per centum without security, except where such capital stock and surplus is not more than twenty-five thousand dollars, in which event an amount not to exceed twenty per centum of such capital stock and surplus may be loaned without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan; or,

Without security.

2. Fifteen per centum, in addition to the amount that may be loaned under the provisions of subdivision one of this section, upon security worth at least fifteen per centum more than the amount of such loan so secured; *provided*, the total amount which can be loaned under subdivisions one and two hereof can not exceed twenty-five per centum in all; *provided, however*, that a separate note or notes shall be taken for the unsecured loans and a separate note or notes shall be taken for the secured loans, and the secured and unsecured loans shall not be combined in any way within one note, or notes; or,

With security.

3. Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured; *provided, however*, that when secured loans, to this amount or any amount in excess of fifteen per centum are made, then no unsecured loans shall be permitted in addition to such secured loans; or,

4. Forty per centum, *provided* such loans are upon commercial or business paper actually owned by the person negotiating the same to such bank, and are endorsed by such person without limitation; *provided, however*, that in addition to the amounts permitted to be loaned by subdivisions one, two or three of this section, an amount may be loaned on the securities fixed by subdivision four of this section, which taken with the amounts so permitted by said subdivisions one, two or three

Restrictions
not appli-
cable to bills
of exchange

will not exceed forty per centum; *provided, also*, that the restrictions under this section shall not apply to bills of exchange or drafts, with bills of lading attached, drawn in good faith against actual existing values; *provided, further*, that any commercial bank, having first obtained in writing the consent of the superintendent of banks so to do and under such conditions and regulations as may be prescribed by him, may accept drafts or bills of exchange drawn upon it running for a period of not longer than six months, but no commercial bank shall accept such drafts or bills of exchange in an amount greater at any time in the outstanding aggregate than one-half of its capital and surplus: but such acceptance or acceptances must be drawn by a person, firm, copartnership or corporation engaged in agricultural, industrial or commercial business directly connected with the production, manufacture, purchase, sale or consignment of the goods involved in the transaction in which the acceptance originated; *provided, however*, that no such acceptance or acceptances to any one person, firm, copartnership or corporation shall exceed ten per centum of the capital and surplus of such bank.

Restrictions
not appli-
cable to
Liberty
bonds

None of the limitations or restrictions contained in the previous subdivisions of this section shall apply to loans, discounts or other extensions of credit secured by Liberty bonds or by other bonds or securities issued by the United States government, if the market value of such Liberty bonds or other securities exceeds by ten per centum the amount of any such loan, discount or other extension of credit.

Loans which are made upon security available for loans in a savings bank may be made in a commercial bank upon the same margin of security as is permitted to savings banks anything in this section to the contrary notwithstanding, and all such loans shall be deemed to be secured loans within the meaning of this section.

Computing
liabilities to
commercial
banks.

In computing the total liabilities of any person to a commercial bank there shall be included all liabilities to the bank of any copartnership or unincorporated association of which he is a member, and any loans made for his benefit or for the benefit of such copartnership or unincorporated association; of any firm, copartnership or unincorporated association to a commercial bank there shall be included all liabilities of its individual members and all loans made for the benefit of such copartnership or unincorporated association or any member thereof; and of any corporation to a commercial bank there shall be included all loans made for the benefit of the corporation.

Stats. 1917,
p. 613

SEC. 21. Section eighty-three of said act is hereby amended to read as follows:

Loans to
officers of
commercial
bank

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; *provided*, that a loan

may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent or other employee, can be made by any commercial bank; *and provided, further*, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety, or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit and the report thereof to any director of such bank. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; *provided*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote upon such a loan made by one bank to another bank where the entire capital stock of one is owned by or held in trust for the stockholders of the other bank and where all or a majority of the board of directors of each of said banks are composed of the same persons. The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee, other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any

Loans to director, agent or employee

Credit to directors, etc.

Report to
superintend-
ent of banks.

firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, agent or employee, obtaining such loan, or the name of the firm, copartnership or corporation in which such director, agent or employee is interested, or the name of the corporation, of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee, obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalty.

Not appli-
cable to what
corporations.

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers but in which they have no financial interest.

Loan to
corporation
owned or
controlled
by directors.

No loan may be made to any corporation, a majority of the stock of which is owned or controlled by any one or more of the directors or officers of such commercial bank, except with the previous consent of the superintendent of banks.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a commercial bank, on the security of United States bonds, United States treasury certificates, or interest-bearing notes, or obligations of the United States, or those for which the faith and credit of the United States are pledged for repayment of principal or interest, or those issued under authority of the United States, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Loans to directors, etc., on security.

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

Stats. 1917, p. 615.

Sec. 90. Any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population does not exceed one hundred thousand persons and which has a capital of not less than one hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred twenty-seven of this act, to transact such business, and any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population exceeds one hundred thousand persons and which has a capital of at least two hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred twenty-seven of this act, to transact such business, may act, or may be appointed by any court to act, in any such capacity in like manner as an individual and when so qualified shall be known as a trust company. Any such trust company may, as provided in this act, accept or receive any deposit of money or personal property

Trust companies.

May receive deposits.

authorized, directed or permitted to be made with any such corporation by any court or law of this state, and may accept and execute any trust provided for in this act, or permitted by any law of this state, to be taken, accepted or executed by an individual. Any such trust company, if located in a city the population of which does not exceed one hundred thousand persons must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it and whenever such trust company shall, under the provision of sections ninety-six and ninety-eight of this act, be required to make the first additional deposit of securities with the state treasurer, such trust company must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all court trusts accepted by it, and any such trust company, if located in a city, the population of which exceeds one hundred thousand persons, must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it; *provided*, that no such trust company shall at any time be required to apportion and set aside any portion of its surplus as security for the faithful performance and execution of such private trusts, nor shall it be prohibited from so doing; *and provided, further*, that the respective amounts of capital or capital and surplus so apportioned and set aside shall be treated in all respects as the separate capital or capital and surplus of each respective kind or class of business, as though the same were conducted by separate and distinct corporations, and each shall be kept, held, used and disposed of wholly for the exclusive benefit, protection and security of the respective classes of trust business to which the same were respectively so apportioned and set aside. In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit be made by the president, vice president, secretary,

Segregation
of capital
and surplus
in cities
of less than
100,000

In cities of
more than
100,000.

Separate
kinds of
capital.

Oath may
be taken
by officer.

manager, trust officer, assistant trust officer or regularly employed attorney thereof, and such officer or employee shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by an individual acting in like capacity and subject to like penalties; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person.

Any trust company upon becoming a member of a federal reserve bank is authorized and empowered:

Trust
company as
member of
federal
reserve bank.

To continue to administer, execute, enjoy and exercise all court and private trusts as defined in the bank act, powers, rights, privileges, and other fiduciary relations, appointments and business it may have at the time of becoming such trust company member, and also to take, execute and administer all new court and private trusts as defined in said bank act, including the right to the appointment of all fiduciary capacities in which it may be named in wills theretofore and thereafter executed and probated, and other appointments, powers, privileges and business, of every kind and nature, as may be then or thereafter permitted to, but subject to the same requirements and limitations as may be imposed upon any corporation under all of the provisions of the bank act.

To hold, administer, execute, and in all respects generally handle, manage and dispose of, without charge, restriction, limitation or impairment of any nature, all of its investments, rights, interests, titles to property, contractual, legal and other rights, obligations or liabilities, of every kind or nature, court and private trusts as defined in the bank act, and other powers which it may be then permitted to exercise by law.

A foreign corporation may be authorized to act in this state as trustee for the following purposes:

Authority of
foreign
corporation
as trustee.

(1) To deliver bonds, and receive payment therefor.

(2) To deliver permanent bonds in exchange for temporary bonds of the same issue.

(3) To deliver refunding bonds in exchange for those of a prior issue or issues.

(4) To register bonds, or to exchange registered bonds for coupon bonds, or coupon bonds for registered bonds.

(5) To pay interest on such bonds, and to take up and cancel coupons representing such interest payments.

(6) To redeem and cancel bonds when called for redemption, or to pay and cancel bonds when due.

(7) The certification of registered bonds for the purpose of exchanging registered bonds for coupon bonds.

(8) To act as trustee under any mortgage, deed of trust, or other instrument securing notes or bonds issued by any corporation.

SEC. 23. Section one hundred twenty-three of said act is hereby amended to read as follows:

Stats. 1913,
p. 185.

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

State
banking fund
created.

Proportion-
ate payment
by each
bank into
state banking
fund.

the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually its share of one hundred and ten thousand dollars, to be determined by the proportion which the capital and surplus which shall include all reserve and contingent funds, of any incorporated bank or the surplus, reserve and contingent funds of any bank organized without a capital stock bear to the capital, surplus, reserve and contingent funds in the aggregate of all such banks receiving certificates of authorization from the superintendent of banks, as shown by the last report of such bank to the superintendent of banks; *provided*, that the superintendent of banks may, in any fiscal year and in the exercise of his discretion, collect from each bank a less sum to be determined by the proportion established in this section, if such less sum be sufficient to pay all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balance of all moneys heretofore paid into the state treasury by any of the bank commissioners or the superintendent of banks, shall be retained and become a part of said fund; *provided, however*, that the superintendent shall have authority to retain in his possession and under his control the sum of two thousand dollars to be used by him as a revolving fund for the benefit of the state banking department until the end of the fiscal year at which time he shall make full settlement with the treasurer of the state. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank.

Revolving
fund.

Stats. 1913,
p. 186.

Inspection
of banks.

SEC. 24. Section one hundred twenty-four of said act is hereby amended to read as follows:

Sec. 124. Every bank and the trust department of every title insurance company doing a trust business, shall be subject to the inspection of the superintendent of banks. The superintendent of banks, the chief deputy, or some competent person or persons to be appointed by the superintendent of banks, to be known as examiners, shall visit and examine every bank at least once each fiscal year. On every such examination inquiries shall be made by him as to the condition and resources of the bank, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its articles of incorporation and the law have been complied with in the administration of its affairs, and as to such other matters as the superintendent may

prescribe. Whenever, in the judgment of the superintendent of banks, the condition of any bank renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs the superintendent of banks shall have authority to make any and all necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs; and such bank shall pay for all such extra services rendered by the superintendent of banks at a price to be fixed by the superintendent of banks but not to exceed twenty dollars per day for the examination of the principal office of such bank and twenty dollars a day for the examination of each branch office of each bank. The superintendent of banks shall also have power to examine, or cause to be examined, every agency located in this state of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of this state, and for such other purposes and as to such other matters as the superintendent may prescribe. The superintendent, chief deputy, and every such examiner shall have the power to administer an oath to any person whose testimony he may require on the examination of any bank, or on the examination of any agency of any foreign bank or banking corporation, and to compel appearance and attendance of any such person for the purpose of any such examination. When a bank shall have been examined by any examiner, and he finds securities therein which are, in his judgment, of doubtful value, he shall report the same to the superintendent of banks, who thereupon shall be authorized to employ appraisers at the expense of such bank to appraise said securities, at a compensation to be fixed by the superintendent of banks. The superintendent of banks shall, whenever required to do so by any bank, provide an auditor to make an audit of the affairs of such bank. The compensation for making such audit shall be paid by the bank direct to the person making the audit. Nothing herein shall be deemed to authorize or require the superintendent of banks to inspect or supervise the private trust business or title insurance business of any corporation doing a trust business.

Extra examinations.

May administer oaths.

Audit.

Sec. 25. Section one hundred thirty-one of said act is hereby amended to read as follows:

Stats. 1913, p. 189.

Sec. 131. The superintendent of banks shall call for the reports specified by section one hundred thirty of this act at least three times each year. The "past day designated by the superintendent" of banks under the provisions of section one hundred thirty of this act shall for at least three times be the day designated by the comptroller of currency of the United States for reports of national banking associations.

Three reports each year.

Sec. 26. Section one hundred forty-two of said act is hereby amended to read as follows:

Stats. 1917, p. 620.

Records
deemed
public
documents.
Official
reports
prima facie
evidence.

Sec. 142. None of the records of the state banking department shall be deemed to be public documents nor shall any of such records be open to the inspection of the public. Every official report made by the superintendent of banks and every report duly verified of an examination made, shall be prima facie evidence of the facts therein stated, for all purposes in any action or proceedings wherein the superintendent of banks is a party.

CHAPTER 338.

An act creating a reclamation district to be known as Reclamation District No. 2031, prescribing its boundaries and providing for the management and control thereof; dissolving Reclamation District No. 663 of Stanislaus county, California, and providing for the disposition of the indebtedness, rights, rights of way, levees and other works of reclamation of said Reclamation District No. 663.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Reclamation
District
No. 2031.

SECTION 1. A reclamation district is hereby created to be called Reclamation District No. 2031, and the exterior boundaries of said reclamation district shall be as follows:

Boundaries.

Commencing at a point number one on the left, or south bank of the Stanislaus river, in the middle of the southeast quarter of the northeast quarter of section nine (9), township three (3) south, range seven (7) east, which point is located from the quarter section corner between sections nine (9) and ten (10), north forty-two degrees twenty-five minutes west, and distant therefrom fourteen and fifty-five hundredths (14.55) chains; thence from point number one, south twelve degrees thirty minutes west, eleven (11) chains, more or less, to the south line of the north half of section nine (9), to point number two; thence east along said south line of the north half of section nine (9), twelve and twenty hundredths (12.20) chains to the quarter section corner between sections nine (9) and ten (10), to point number three; thence south along the section line common to sections nine (9) and ten (10), forty (40) chains to the corner common to sections nine (9), ten (10), fifteen (15) and sixteen (16), to point number four; thence west along the section line common to sections nine (9) and sixteen (16), forty (40) chains to the quarter section corner between sections nine (9) and sixteen (16), to point number five; thence south along the east line of the west half of section sixteen (16), seventy-nine and ten hundredths (79.10) chains to a point sixty (60) feet north of the quarter section corner between sections sixteen (16) and twenty-one (21), to point number six; thence east along the north line of a right

of way sixty (60) feet wide, forty and ninety hundredths ^{Boundaries.} (40.90) chains to a point sixty (60) feet east of the section line common to sections fifteen (15) and sixteen (16), to point number seven; thence, at right angles, south along the east line of a right of way, and parallel with the section line common to sections twenty-one (21) and twenty-two (22), and sixty (60) feet therefrom, forty and ninety hundredths (40.90) chains to the south line of the north half of section twenty-two (22), to a point sixty (60) feet east of the quarter section corner between sections twenty-one (21) and twenty-two (22), to point number eight; thence east along the south line of the north half of section twenty-two (22), seventy-nine and ten hundredths (79.10) chains to the quarter section corner common to sections twenty-two (22) and twenty-three (23), to point number nine; thence north along the section line common to sections twenty-two (22) and twenty-three (23), fourteen and forty-one hundredths (14.41) chains to the south line of the right of way of lateral number three of the Modesto irrigation district, to point number ten; thence, following said canal right of way, north fifty-five degrees east, three and fifty hundredths (3.50) chains to point number eleven; thence south seven degrees west, eight and fifty hundredths (8.50) chains to point number twelve; thence south twelve and twelve hundredths (12.12) chains, to point number thirteen; thence west one and eighty-two hundredths (1.82) chains, to the section line common to sections twenty-two (22) and twenty-three (23) to point number fourteen; thence south along said section line, thirty-five and ninety-one hundredths (35.91) chains, to the corner common to sections twenty-two (22), twenty-three (23), twenty-six (26) and twenty-seven (27), to point number fifteen; thence south along the section line common to sections twenty-six (26) and twenty-seven (27), eighty (80) chains to the corner common to sections twenty-six (26), twenty-seven (27), thirty-four (34) and thirty-five (35), to point number sixteen; thence south along the section line common to sections thirty-four (34) and thirty-five (35), forty (40) chains to the quarter section corner between sections thirty-four (34) and thirty-five (35), to point number seventeen; thence west along the south line of the north half of section thirty-four (34), twenty (20) chains to the southwest corner of the southeast quarter of the northeast quarter of section thirty-four (34), to point number eighteen; thence north twenty (20) chains to the northwest corner of the southeast quarter of the northeast quarter of section thirty-four (34), to point number nineteen; thence west twenty (20) chains to the northeast corner of the southeast quarter of the northwest quarter of section thirty-four (34), to point number twenty; thence south twenty (20) chains to the southeast corner of the northwest quarter of section thirty-four (34), to point number twenty-one; thence west along the south line of the north half of section thirty-four (34), forty (40) chains to the quarter section corner between sections thirty-three (33) and thirty-four (34),

Boundaries. to point number twenty-two; thence west along the south line of the north half of section thirty-three (33), forty (40) chains, more or less, to the east or right bank of the San Joaquin river, to point number twenty-three; thence following the right bank of the San Joaquin river downstream in all its meanderings and sinuosities, four hundred five (405) chains, more or less, to its intersection with the left, or south, bank of the Stanislaus river, in the north half of section nineteen (19), to point number twenty-four; thence following the left bank of the Stanislaus river, upstream, in all its meanderings and sinuosities, four hundred fifteen (415) chains, more or less, to point number one, or the point of beginning; all in township three (3) south, range seven (7) east, Mount Diablo base and meridian.

Management and control. 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.

Reclamation District No 663 dissolved. SEC. 3. Reclamation District No. 663 of Stanislaus county, California, is hereby dissolved, excepting that said Reclamation District No. 663 shall continue to exist solely for the purpose of discharging any indebtedness thereof, that may be outstanding, and for the purpose of discharging such indebtedness said Reclamation District No. 663 shall continue to exercise all the powers heretofore belonging to it. All of the rights, rights of way, levees and other works of reclamation of said Reclamation District No. 663 are hereby vested in the reclamation district hereby created.

Repealed. SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 339.

An act to amend sections fifteen, eighteen, thirty, thirty a, thirty b, thirty c, thirty e, thirty-one, fifty-two, fifty-three, fifty-nine, sixty and one hundred and twelve 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 repeal sections fifteen a and thirty-two a of said act.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 756.

SECTION 1. Section fifteen of an act entitled "An act to provide for the organization and government of irrigation

districts, and to provide for the acquisition 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:

Sec. 15. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employes as may be required, and prescribe their duties. The board and its agents and employes shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for canal or canals, and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, whether in this or in other states or in a foreign nation, including canals, and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also where necessary or convenient to said ends to acquire and hold the stock of other corporations domestic or foreign owning waters, canals, waterworks, franchises, concessions or rights. Said board may enter into, and do any acts necessary or proper for the performance of, any agreements with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by the irrigation district, and may acquire the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of the right to the use of any water the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district.

Powers of directors.

SEC. 2. Section fifteen *a* of said act is hereby repealed.

Repealed.

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

Stats. 1897, p. 259.

Sec. 18. It is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; and any land owner may assign the right to the whole or any portion of the waters so apportioned to him; *provided*, that when any rates of toll and charges for the use of water are

Apportionment of water.

fixed by the board of directors, as provided in section fifty-five of this act, the water for the use of which such rates of toll and charges have been fixed shall be distributed equitably, as may be provided by the board of directors, among those offering to make the required payment therefor; and provided, further, that if an irrigation district has contracted to deliver, and is delivering, water to mutual water companies for distribution to territory served thereby, the water shall be apportioned on such a basis as the board of directors shall find to be just and equitable and for the best interests of all parties concerned.

Stats. 1917,
p. 761.

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

Estimate
of money
needed for
improvement.

SEC. 30. For the purpose of constructing or purchasing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights, reservoirs, reservoir sites, and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this act, or any other act under which said district is or may be authorized to acquire property or construct works, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the board of directors shall find that the construction fund raised by the last previous bond issue is insufficient, or that the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. Said surveys, examinations, drawings and plans, and the estimate based thereon may provide that the works necessary for a completed project shall be constructed progressively during a period of years. In the estimate of the amount of money necessary to be raised by the first issue of bonds in any district, the board of directors may include a sum sufficient to pay the interest on all of such bonds for three years or less. All such surveys, examinations, drawings and plans shall be made under the direction of a competent irrigation engineer and shall be certified by him.

Interest on
bonds may
be included
in estimate.

Stats. 1917,
p. 761.

SEC. 5. Section thirty *a* of said act is hereby amended to read as follows:

Report sub-
mitted to
commission.

SEC. 30*a*. The board of directors shall then submit a copy of the said estimate and the said engineer's report to the commission authorized by law to approve bonds of irrigation districts for certification as legal investments for savings banks and for the other purposes specified in the act creating said commission. Said commission shall forthwith examine said report and any data in its possession or in the possession of

said district and shall make such additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commission, may be desirable; *provided*, that it may state generally the conclusions of said commission regarding the supply of water available for the project, the nature of the soil proposed to be irrigated as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage, the cost of works, water rights and other property necessary for a complete and satisfactory project, the proper dates of maturity for the bonds proposed to be issued and whether in its opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on the bonds of such issue, as provided in section thirty of this act, and such estimate for the payment of interest, or any part thereof, is approved by the commission in said report, it shall be lawful for the board of directors, if the issuance of such bonds is thereafter authorized by vote of the electors of the district, to use for the payment of interest on any bonds of such issue so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission.

Report of
Commission.

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

Stats. 1917,
p. 762.

Sec. 30*b*. If after such examination and investigation the said commission shall deem it advisable that the said plans be modified or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of directors. After receiving said report, or if no report is received within ninety days after the submission of said estimate and engineer's report to said commission, said board of directors, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by said commission is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; *and provided, further*, that if any district shall issue bonds to carry out any plans approved by said irrigation district bond commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission.

Report to
board of
directors.

Order of
amount
of bonds.

Stats. 1917,
p. 782.

Special
election for
bond issue.

SEC. 7. Section thirty *c* of said act is hereby amended to read as follows:

Sec. 30*c*. After the making of the order specified in section thirty *b* of this act said board of directors may call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district in the amount determined in said order of said board shall be issued, and said board must call such an election and submit said question upon receipt of a petition signed by a majority of the holders of title or evidence of title to lands within the district, representing, also, a majority in value of said lands, or by at least five hundred petitioners, each petitioner to the number of at least five hundred to be an elector residing within the district or a holder of title or evidence of title to lands therein, provided that said petitioners shall include the holders of title or evidence of title to not less than twenty per cent in value of said lands. In determining the value of any lands within an irrigation district and the holders of title or evidence of title to such lands for the purpose of determining the sufficiency of any petition required by this act after the organization of the district, the assessment roll of the district last equalized at the time of the presentation of such petition shall be conclusive evidence, but if no assessment roll of the district has theretofore been equalized, then the county assessment roll of the county within which any land within the district is situated, which county assessment roll has been last equalized at the time of the presentation of such petition, shall be conclusive evidence of such facts for such land.

Stats. 1917,
p. 763.

Questions
on ballot.

Ballots.

SEC. 8. Section thirty *c* of said act is hereby amended to read as follows:

Sec. 30*e*. At said election questions as to the issuance of bonds may be submitted separately on the same ballot if estimates of the cost of the respective projects have been made and the irrigation district bond commission has reported thereon and the respective propositions have been stated in the notices of the election. At such election the ballots shall contain a general statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued for each purpose, but no informality in such statement shall vitiate the election. Each proposition shall be followed by the words "Yes" and "No," on separate lines, with a small inclosed space after each of said words. The electors shall vote for or against any proposition by stamping a cross (X) in the voting space after the word "Yes" or "No" respectively. On the ballot shall be printed the following under the heading "Instructions to voters": "To vote for a proposition, stamp a cross (X) in the voting space after the word 'Yes' following the proposition. To vote against a proposition, stamp a cross (X) in the voting space after the word 'No' following the proposition." If two-thirds of the votes cast for and against any proposition are for "Yes," the

board of directors shall cause bonds in the amount specified in such proposition to be issued; *provided*, that if said election shall have been called after the presentation of a petition therefor as provided in section thirty *c* of this act, the board of directors shall cause bonds in the amount specified in any proposition to be issued if a majority of the votes cast for and against said proposition are for "Yes." If the number of votes for any proposition is less than the number required herein to authorize the issuance of the bonds provided for therein, the result of the vote on said proposition shall be entered of record, but said proposition may be again submitted to the electors of the district at a special election upon the presentation to the board of directors of a petition therefor signed as provided in section thirty *c* of this act.

SEC. 9. Section thirty-one of said act is hereby amended to read as follows: Stats. 1913.
p. 998.

Sec. 31. Subject to the provisions of this act, the board of directors shall prescribe the form of the bonds issued by the district and of the interest coupons to be attached thereto. An issue of bonds is hereby defined to be all the bonds issued in accordance with a proposal approved by the electors of the district. Each issue of the bonds of a district shall be numbered consecutively as authorized, and the bonds of each issue shall be numbered consecutively. The board of directors shall fix the date of said bonds, or may divide any issue into two or more divisions and fix different dates for the bonds of each respective division. The date of any bond must be subsequent to the election at which its issuance was authorized and prior to its delivery to a purchaser from the district. The date of issue of any bond authorized under this act or heretofore or hereafter issued in pursuance of this act shall be deemed to be the apparent date of the said bond appearing on the face thereof. Each bond shall be signed by the president and secretary of the board of directors of the district, who may be in office at the date of said bond or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, and the seal of the district shall be impressed on each bond. The interest coupons shall also bear the signature of the secretary of the board of directors or a facsimile of such signature. The board of directors shall fix the denominations of said bonds, which shall not be less than one hundred dollars nor more than one thousand dollars. Said bonds shall bear interest at a rate to be fixed by the board of directors, but the rate shall not exceed six per centum per annum. The interest shall be payable on the first day of January and the first day of July of each year. The board of directors shall also designate the place or places at which said bonds or any of them and the interest thereon shall be payable. Each issue or each division of any issue of said bonds shall be payable in gold coin of the United States in twenty series as follows, to wit: at the expiration of twenty-one years from the date of any issue or

Form of
bonds.

Interest.

Life of
bonds.

Life of
bonds.

any division of any issue of said bonds, two per centum of the whole amount of such issue or division; at the expiration of twenty-two years from said date, two per centum of the whole amount of such issue or division; at the expiration of twenty-three years from said date, three per centum of the whole amount of such issue or division; at the expiration of twenty-four years from said date, three per centum of the whole amount of such issue or division; at the expiration of twenty-five years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-six years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-seven years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-eight years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-nine years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-one years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-two years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-three years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-four years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-five years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-six years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-seven years from said date, seven per centum of the whole amount of such issue or division; at the expiration of thirty-eight years from said date, seven per centum of the whole amount of such issue or division; at the expiration of thirty-nine years from said date, eight per centum of the whole amount of such issue or division; at the expiration of forty years from said date, eight per centum of the whole amount of such issue or division; *provided*, that if any bonds are not dated on the first day of January or the first day of July, they shall nevertheless be made payable on the first day of January or the first day of July next preceding the date on which they would become payable according to the foregoing schedule. Bonds of any issue may be made payable at the ends of other periods than are specified herein and the number of series may be more or less than twenty if the number of series and the length of the respective periods at the ends of which the respective amounts of bonds shall be made payable have been specified in the notice of the election at which the issuance of such bonds was authorized, or on the recommendation of the irrigation district bond commission, but in any event the bonds shall all be made

May be paid
at end of
other
periods.

payable on the first day of January or the first day of July next preceding the ends of the respective periods specified, unless said bonds are dated on the first day of January or the first day of July, and in no case shall the maturity of any bond be more than forty years from the date thereof, nor shall more than eight per centum of the total amount of any issue or division be made payable in any one year if the number of series is made more than twenty. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof.

SEC. 10. Section thirty-two *a* of said act is hereby repealed. Repealed.

SEC. 11. Section fifty-two of said act is hereby amended to read as follows: Stats. 1897, p 272.

Sec. 52. Upon presentation of any matured bond or any matured interest coupon of any bond of the district, the treasurer shall pay the same from the bond fund. If funds are not available for the payment of any such matured bond or interest coupon, it shall draw interest at the rate of seven per cent per annum from the date of its presentation for payment until notice is given that funds are available for its payment, and it shall be stamped and provision made for its payment as in the case of a warrant for the payment of which funds are not available on its presentation. Whenever the bond fund contains ten thousand dollars in excess of the amount necessary to pay all bonds and interest coupons of the district that have matured or that will mature before the time when any part of the next annual assessment to be levied in the district will become delinquent, the board of directors may advertise, in the manner hereinbefore provided for the sale of bonds, for the receipt of sealed proposals for the delivery to the district for redemption of any of its bonds not due. Said advertisement shall state the amount which may be used for the redemption of such bonds. Any such proposals shall be opened by the board in open meeting at the time named in said advertisement, and the offer or offers of such bonds at the lowest rate or rates shall be accepted, provided that no bonds shall be redeemed at more than the par value thereof except by unanimous vote of the directors. In case two or more proposals are equal and there is not sufficient money available to accept them all, the lowest numbered bonds shall have the preference. In case not enough bonds are offered for redemption at prices which the board of directors accepts, the board may invest any money available for redemption of bonds in bonds of the United States or of the State of California and shall hold the bonds so purchased as part of the bond fund until such time as the board may determine that it is for the best interests of the district that such bonds or any of them be sold. In case of the sale of any such bonds, the proceeds of the sale shall be deposited in the bond fund. Redemption of bonds. Proposals for redemption of bonds. Investment in U. S. or state bonds.

Stats 1897,
p. 272.

SEC. 12. Section fifty-three of said act is hereby amended to read as follows:

Construction
of works.

SEC. 53. After adopting a plan for such canal or canals, storage reservoirs, and works, as in this act provided for, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (provided a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals or may proceed to construct the work under their own superintendence; *provided*, that in case of emergency or urgent necessity for the construction, extension or repair of works for irrigation or drainage, the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts therefor without advertising for bids, but the cost of such work shall not exceed five hundred dollars and such additional amount as shall be equal to five cents for each acre of land in the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Contracts for
emergency
works.

Bond of
contractor.

Stats. 1917,
p. 768.

SEC. 13. Section fifty-nine of said act is hereby amended to read as follows:

Directors
may call
election on
question of
special
assessment.

SEC. 59. The board of directors may at any time call a special election and submit to the qualified electors of the district the question whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of this act or of any act supplementary hereto. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section thirty *d* of this act. The notice must specify the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used, and it may state that said assessment shall be levied in two or three annual installments and specify the amount of the installment to be levied in each year. At the

special election the ballots shall contain the words "Assessment—Yes" or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Levy of assessment. Yes," the board of directors shall, at the time of the annual levy hereunder, levy a sum sufficient to raise the amount voted, or, if the notice of election shall have provided for levying said assessment in annual installments, the board of directors shall, at the time of the annual levy in each of the years specified in said notice, levy such assessment as shall raise the amount of the installment provided in said notice to be raised in said year; *provided, however,* that in case of an unexpected emergency by which the flow of water in the canal or other supply is interrupted, the amount of the indebtedness, incurred in the repair of the works of said district, caused by such interruption, not to exceed in any one year forty thousand dollars, may also, in addition to the assessments hereinbefore provided for, be levied by the adoption of a resolution by at least four-fifths of the members of the board of directors, at the time of the levying of the annual assessment provided for in this act, without the submission of the question of such levy to a vote, as in this section hereinbefore provided.

SEC. 14. Section sixty of said act is hereby amended to read as follows: Stats. 1807, p. 274.

Sec. 60. The rate of assessments levied under the provisions of this act 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 for the current year, and then dividing the sum to be raised by the remainder of such aggregate assessed value. Special assessments shall be computed and entered by the secretary and collected as a part of the regular assessment levied hereunder, and, when collected, shall be paid into the district treasury for the purpose or purposes specified in the notices calling the respective elections at which they were voted. Rate of assessments.

SEC. 15. Section one hundred twelve of said act is hereby amended to read as follows: Stats. 1917 p. 769.

Sec. 112. This act may be referred to in any action, proceeding or legislative enactment as "the California irrigation district act." Title.

CHAPTER 340.

An act to amend the title and sections one, two and fourteen of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Stats. 1915,
p. 991

SECTION 1. The title of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, is hereby amended to read as follows: An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements.

Stats. 1915,
p. 991.

SEC. 2. Section one of said act approved April 20, 1915, is hereby amended to read as follows:

Municipal
Improvement
district.

Section 1. Any portion of a municipality incorporated under the laws of this state may be formed into a municipal improvement district for the purpose of creating an indebtedness, to be represented by bonds of said district, the proceeds from the sale of which shall be used for the acquisition or construction of any public improvement work or public utility which such municipality is authorized by law to acquire or construct. Such districts shall be formed and such bonds shall be issued and sold in the manner and under the proceedings hereinafter set forth.

Stats. 1915,
p. 100.

SEC. 3. Section two of said act approved April 20, 1915, is hereby amended to read as follows:

Petition for
election.

Sec. 2. Whenever a petition signed by not less than ten per cent of the qualified electors residing in the territory which is proposed to be formed into a municipal improvement district, setting forth a general description of the improvement work or public utility to be acquired or constructed and a general description of the exterior boundaries of such proposed district, shall have been filed in the office of the clerk of the legislative body of said city, said legislative body may adopt an ordinance declaring its intention to call an election in said proposed district, or as the same may have been modified as herein provided,

Ordinance of
intention.

for the purpose of submitting to the qualified electors of said district the proposition of authorizing the issuance and sale of bonds of such district in the manner and for the purpose set forth in said ordinance of intention. Said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed public improvement work or public utility. Said ordinance of intention shall also contain:

1. An accurate description of the exterior boundaries of the proposed municipal improvement district; What ordinance shall contain.

2. A general description of the improvement work or public utility proposed to be acquired or constructed therein;

3. An estimate of the cost of the proposed improvement work or public utility and of the incidental expense in connection therewith;

4. That upon a certain date fixed therein an election will be called in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement work or public utility, and that a map showing the exterior boundaries of said district with relation to the territory immediately contiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of such city; which said map shall govern for all details as to the extent of the said district.

5. A date, hour and place fixed for the hearing of protests.

SEC. 4. Section fourteen of said act approved April 20, 1915, is hereby amended to read as follows: Stats. 1915, p. 104.

Sec. 14. The provisions of this act shall be liberally construed to effect the purpose thereof and no provision hereof shall be deemed or construed to prohibit the inclusion within the boundaries of any district formed under the provisions of this act, of any territory which has heretofore or which may be hereafter included within any other district formed under the provisions of this act. Construction.

CHAPTER 341.

An act to be known as "the California irrigation act" providing for co-operation between the State of California and the United States, and independent proceedings, in the storage and diversion of water, the distribution thereof for irrigation and other beneficial uses and purposes, the generation and manufacture of electric power; creating an irrigation board, and providing for the formation of irrigation districts and conservation districts, and the conversion of irrigation districts, reclamation districts, drainage districts and other political subdivisions of the state organized for the purpose of promoting irrigation, reclamation and drainage, into irrigation districts under this

act; and empowering said irrigation board to make and approve contracts and agreements, to construct reservoirs and other works, divert, distribute and sell water and lease and sell water rights, and generate, lease and sell electric power, to apportion to the constituent units of conservation districts the water and electric power to be produced and generated by conservation district works, to levy assessments, and issue bonds of irrigation districts and conservation districts; providing for the management, control and supervision of such irrigation districts and conservation districts and of the works constructed pursuant to this act; directing the state department of engineering relative to such works; and generally providing a policy relating to the storage, diversion and use of water and the manufacture or generation of electric power, and adopting a plan for providing revenues therefor; and repealing the California irrigation act approved June 4, 1915, and chapter 646 of the statutes of 1917, approved May 28, 1917, amendatory thereof.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Irrigation
board
created.

SECTION 1. There is created a board to be known as the "irrigation board," which shall consist of three members, and shall constitute a body corporate and politic for the purpose of exercising the powers and performing the acts herein mentioned, and which shall have the power to sue and to be sued. Within thirty days of the date upon which this act takes effect the governor shall appoint the members of said board and the members so appointed shall serve for four years and until their successors have been appointed; *provided*, that the members of said board heretofore appointed under the California irrigation act approved June 4, 1915, shall serve out the terms for which they were appointed. Their successors shall be appointed, and all vacancies shall be filled by appointment in like manner. The office of the irrigation board shall be at the city of Sacramento; a branch office may be maintained in the city and county of San Francisco.

Office.

Officers.

The irrigation board shall elect one of its members as president, and shall employ a secretary and such attorneys, engineers, superintendents, inspectors and other assistants as it may require, and shall fix the terms of their employment and compensation. Each member of the irrigation board shall receive as compensation the sum of ten dollars per day for each day employed by such member in the performance of duties under this act, and shall receive actual traveling expenses while engaged in such duties. All such salaries, compensation and expenses shall be payable out of any funds under the control of the irrigation board applicable to such

Compensation.

payments. Where a conservation district has been formed, as hereinafter provided, the irrigation board shall apportion and certify to each district therein or component unit thereof, and to each private corporation, mutual ditch company and mutual water company admitted to the benefits of such conservation district, an amount for its share of the general cost and expense of the maintenance and operation of the irrigation board in connection with such district, or component unit, or private corporation or mutual ditch company, or mutual water company, for the ensuing or previous year, and also such additional amounts as are necessary for the purpose of defraying the cost of all administrative, engineering and other legal expenses necessary for laying out the plans therefor, and such amounts shall be paid by each of such districts, or component units, to the state treasurer, and shall be deposited in a fund to be held and paid out for the account of said conservation district in the same manner as hereinafter provided for the funds of said conservation district.

Amounts paid by conservation districts.

SEC. 2. It is hereby declared that the State of California has a paramount interest in the storage and diversion of water, the irrigation of land and the production of electric power; that such storage, irrigation and production of electric power will make productive vast quantities of land that are comparatively unproductive and will increase production, property valuations and population in the state, make profitable the cultivation of small tracts and promote subdivision of larger tracts, and will promote the welfare and prosperity of all the people. The powers herein conferred upon the irrigation board are hereby declared to be police and regulatory powers and are necessary to the accomplishment of a purpose that is indispensable to the public interests.

Interest of state in water storage paramount.

SEC. 3. The irrigation board shall have power to make, or cause to be made, examinations and surveys, to make or adopt plans, and estimate, or cause to be estimated, the cost of all projects for the storage or diversion of water within the State of California, the distribution of said water, and the generation of electric power in connection with such storage, and the sale and distribution of such power, and to make and enter into contracts for the construction and maintenance of works for such projects and the supervision and administration thereof. The irrigation board shall also have power to confer and make agreements with any authorized department, board or officer of the United States government, or with any irrigation district, reclamation district, or drainage district, or other political subdivision of the state organized to promote irrigation, reclamation or drainage, or with any water, power, irrigation or other company, or corporation, or association, or person, or persons, with reference to such projects and concerning examinations, surveys, works and plans in connection therewith. Any plan finally approved by the irrigation board

Powers of irrigation board.

(and when in any case the approval of any authorized department, board or officer of the United States government is necessary, it is also approved by such authorized department, board or officer) shall be the official plan approved by the State of California and authorized by it for the project involved therein, but such plan may be modified or changed from time to time thereafter in like manner as originally adopted or approved.

State
engineering
department
to make
surveys.

SEC. 4. The state department of engineering, or such engineer or engineers as may be appointed by the irrigation board, shall make such surveys, examinations, reports, plans and estimates as may be required by the board, either with or without the co-operation of the United States or any department thereof, whenever said board has under its control money available with which to pay the expenses in connection therewith. All such work and all supervision of construction shall be performed under such contracts and regulations as may be made or approved by the irrigation board or agreed upon between said board and the United States.

Petition to
organize
irrigation
district.

SEC. 5. Whenever the holders of title, or evidence of title, or of possessory rights to lands entered under the laws of the United States, or of the State of California, representing one-half or more of any body of land susceptible of irrigation (excepting lands embraced within the limits of incorporated cities or towns) desire to form an irrigation district under the provisions of this act, for the irrigation of said land, they may present to the irrigation board a petition signed by them, or their authorized agents, which petition shall set forth generally the boundaries of the proposed district, a description of the lands by legal subdivisions or other boundaries, the county in which they are situated, the number of acres in the proposed district, and in each tract with the names (if known) of the owners thereof, and designating as unsold any lands not reduced to private ownership; and also shall state generally the source or sources from which said lands are proposed to be irrigated, and the proposed name of the district, and shall pray that the territory 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 guardians, executors, administrators or other persons holding property in a trust capacity under appointment of court may sign any petition provided for in this act, when authorized by an order of court, which order may be made without notice. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom such petition was signed, shall be sufficient evidence of the genuineness of such signature, and of the fact of residence of any petitioner and any fact going to the qualifications of any petitioner under this act.

Defects in
petition.

No defect in the contents of the petition or in the title to or form of the notice or signatures, or the lack of signatures

shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto.

The certificate of the county assessor of the county wherein the lands described in the petition are situated that the titles and possessory rights of the respective signers thereto are as appear on the county assessment roll or rolls last equalized at the time of filing the petition, or of the register of the United States land office of the district in which said lands are situated, or of the surveyor general of the State of California, shall be sufficient evidence of the title or possessory right of any signer hereto, and where as to any tract the assessor is unable to make such certificate for the reason that it is assessed to an unknown owner or the assessment roll does not purport to give the true name or gives the names of a portion only of the owners, the actual owners of such property shall be considered the owners for all the purposes of this act and owners of undivided interests may sign for such interest.

Evidence
of title.

The petition must be verified by the affidavit of one of the petitioners, and shall be filed with the irrigation board. Upon the receipt of such petition the irrigation board, or such person as said board may authorize to act in such cases, shall designate a time and place for the hearing of said petition, which date shall be not less than twenty days nor more than thirty days from the date of the filing of the petition with the board. The secretary of the irrigation board shall cause notice of said hearing to be published at least once a week for two successive weeks, prior to the time of said hearing, in a newspaper of general circulation printed and published in each of the counties in which any of the lands intended to be embraced within such proposed irrigation district are situated. Such notice shall designate the time and place when and where said petition will be heard, and shall set forth the exterior boundaries of said proposed district.

Hearing.

Notice of
hearing.

At the time and place designated in said notice, any person owning land within the said proposed irrigation district, may appear and present written objections to the creation of such district. The irrigation board shall hear and receive such evidence as may be offered in support of the petition and in support of said written objections. The irrigation board may continue said hearing from time to time, by order entered upon its minutes, to the end that a full hearing may be had. Upon the final hearing of said matter, the irrigation board shall make an order approving said petition as originally presented, or as modified by such order, excluding from the district such lands as in the judgment of the irrigation board should be excluded, and upon the filing of such order with the irrigation board such irrigation district shall be deemed to be created. Upon application by any person whose lands are susceptible of irrigation from any of the proposed sources, the irrigation board, in its discretion, may

Objections to
creation of
district.

Order
creating
district.

order such lands included within said proposed district. The order shall describe the exterior boundaries of the district, as determined by the irrigation board, and also the exterior boundaries of any lands excluded therefrom, and shall be indorsed upon or attached to the petition, and be signed by the president and attested by the secretary of the irrigation board. A copy of the order creating such irrigation district, certified by such secretary, shall be filed in the office of the secretary of state, and a similarly certified copy of such order, together with a map showing the exterior boundaries of the district, and indicating the lands excluded therefrom, shall be filed in the office of the county recorder of each of the counties in which any of the lands within the said district are situated, and a properly certified copy of such order, together with the maps attached thereto, shall be received in all of the courts of this state as prima facie evidence of the organization of such district and of the boundaries thereof. Before the irrigation board makes such order, it may require that the project and proposed works be approved by the state engineer, or by such engineer or engineers as shall be designated by the irrigation board.

Copy of order, with map, to be filed.

Approval of state engineer.

Board of directors.

Each irrigation district created under the provisions of this act shall have a board of directors composed of owners of land within the district, elected by the owners of land in such district in the manner provided for the election of trustees of reclamation districts in section three thousand four hundred ninety-one of the Political Code of the State of California, except that such elections shall be called by and returns thereof made to the board of supervisors of the county in which the greater portion of the lands of the district are situated. Each such district shall have a board consisting of five directors; *provided*, that if so requested in the petition for the formation of said district, the irrigation board may order that there shall be only three directors. After the approval of the petition and the election of directors for the district, the directors shall adopt rules, not inconsistent with the laws of the state, for the government and control of the affairs of the district, which rules may be amended at any time by said board of directors.

Proceeding to determine legality of district.

The board of directors of any irrigation district created under this act may commence a proceeding in the superior court of any county, wherein a portion of the district is situated, to determine the legality of the existence of said district. The complaint in said proceeding shall describe the district by name and the exterior boundaries thereof, and shall contain a prayer that such district be adjudged a legal irrigation district. The summons in such proceeding shall be served by publishing a copy thereof once a week for four successive weeks in a newspaper of general circulation published in each county where any part of such district is situated. Within thirty days after the last publication of said summons, any person who may be interested may appear and answer said complaint, in which answer the facts relied upon to show the

invalidity of the district shall be set forth. If no answer shall be filed, the court must render judgment as prayed for in the complaint. If any answer shall be filed within said period, the court shall thereafter proceed as in other civil cases, but no district shall be adjudged invalid when it appears that such district has, for five years prior to the commencement of such proceeding, been performing its functions as an irrigation district under this act in good faith. The proceeding under this section is hereby declared to be a proceeding in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SEC. 6. Any irrigation district formed under the provisions of any other law or statute of this state, and any reclamation district or drainage district (excluding from any such district the area embraced within the limits of any incorporated city or town) susceptible of irrigation from any project adopted or approved by the irrigation board, may become an irrigation district under the provisions of this act upon presenting to the irrigation board a consent thereto signed by the holders of title, or evidence of title, of more than half of the lands embraced in said district (excepting lands within incorporated cities or towns). Upon the filing of such consent, the irrigation board shall fix a date for a hearing of the matter involved in such consent. The secretary of the irrigation board shall publish a notice of such hearing once a week for four successive weeks preceding the date fixed therefor in a newspaper of general circulation published in each of the counties in which any portion of said district is situated. At the time and place designated in said notice the irrigation board shall hear and receive such evidence as may be offered in support of the proposal to convert such district into an irrigation district under the provisions of this act and in support of any written objection thereto filed with the irrigation board. The irrigation board may continue said hearing from time to time, by order entered upon its minutes, to the end that a full hearing may be had. Upon the final hearing of said matter, the irrigation board shall make its order, providing that said district (excluding therefrom the territory embraced in incorporated cities or towns) shall thereafter be an irrigation district subject to all of the provisions of this act, or, in its discretion, said irrigation board may decline to make such order. If the irrigation board shall make an order converting such district into an irrigation district, all of the lands therein (except lands lying within the boundaries of incorporated cities or towns), shall become, and shall thereafter be, subject to all of the provisions of this act.

Converting
districts into
irrigation
districts.

Hearing.

Order of
irrigation
board.

SEC. 6a. The board of directors of an irrigation district created under this act shall have power to elect one of its members president thereof; and, subject to the approval of the irrigation board, to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the

Powers of
board of
directors.

Powers of
board of
directors.

improvement of the lands of the district by irrigation, reclamation and drainage and thereafter subject to the approval of the irrigation board, to modify or change such original plan or plans, or adopt new supplemental or additional plan or plans; to acquire by purchase, condemnation or other legal means, necessary property and rights of way, and the right to take material for the construction of all necessary works, including dams, canals, drains, sluices, bulkheads, water gates, embankments, levees and pumping plants, and to construct, maintain and keep in repair all works requisite and necessary to that end, and to do all other acts and things necessary or required for the irrigation, reclamation and drainage of the lands embraced in the district, and to carry out the purposes of this act. All of the acts and proceedings of such board of directors, however, shall be recorded in the minutes of said board, and copies thereof, certified by the secretary of said board as recorded, shall, within ten days after the passage or adoption of the same, be filed with the secretary of the irrigation board, and the irrigation board, within twenty days after such filing may, by order filed with its secretary, reject and nullify the action of the board of directors of such irrigation district, and upon the filing of a certified copy of such order of rejection or nullification with the secretary of such irrigation district, the said order of said irrigation district board shall be invalid and unenforceable for any purpose; but if such action of such irrigation district board shall not be so rejected or nullified within the period above provided, the same shall be and remain in full force and effect. The irrigation board may confirm and ratify any action of said irrigation district board at any time, and upon such confirmation and ratification such act or order of said irrigation district board shall be valid and effective for all purposes. The several members of the board of directors 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 irrigation board may determine to be just and reasonable, which shall constitute an indebtedness of the district, to be paid in the same manner and out of the same fund as other debts of the district; *provided*, that no warrant or order drawn for such purpose shall be valid until approved by the irrigation board.

Action
nullified by
irrigation
board.

Compensation.

Conservation
districts.

SEC. 6b. The irrigation board shall have power to consolidate into single districts in the manner and for the purposes provided in this act, irrigation districts, reclamation districts, drainage districts and other political subdivisions of the state organized to promote irrigation, reclamation or drainage, which consolidated districts shall be known, and are herein referred to, as conservation districts; and, the purpose of the formation of such districts being primarily to provide for and

promote the irrigation of the lands therein and in connection therewith and incidental thereto the reclamation and drainage of such lands, the legislature hereby expressly declares that every such conservation district, formed as herein provided, is and shall be an irrigation district within the meaning of section thirteen of article eleven of the constitution of the State of California, and within the meaning of every other provision of said constitution relating to irrigation districts. Such conservation districts shall be composed of two or more units all or any of which units may be irrigation districts, formed under the provisions of this or any other act or statute of this state, reclamation districts, drainage districts, or other political districts of the state organized to promote irrigation, reclamation or drainage, now or hereafter to be formed. The territory embraced within such units need not be contiguous in order to be embraced within the same conservation district, provided all or a portion of the territory embraced within said respective units is susceptible of irrigation from the works proposed to be constructed by said conservation district. Any private corporation engaged in the distribution of water to the public, for irrigation or other beneficial uses, or in the generation of hydroelectric power for sale to the public, and any mutual ditch company or mutual water company organized for the purpose of distributing water to the members or stockholders thereof, which private corporation, mutual ditch company or mutual water company is receiving or entitled to receive water from the same stream or streams for the storage or diversion of whose waters it is proposed to construct the works of said conservation district, shall have the right, upon payment of its proportion of the cost of constructing, operating and maintaining such works, to share in all of the benefits resulting from such construction, operation and maintenance, including its proportionate share of the water to be conserved thereby and the power to be generated and produced in connection therewith; *provided*, that nothing herein contained shall be deemed to confer upon said irrigation board, or upon any conservation district formed under the provisions of this act, the right to impair, or deprive any person, firm or corporation of any vested right in or to the waters of any stream or streams proposed to be stored or diverted by said conservation district, without due process of law.

Right of
private
corporation,
etc., to
share in
benefits.

Upon presentation to it of a petition signed by the respective governing boards of two or more of said units praying for the formation of a conservation district, the irrigation board shall fix a time and place for the hearing of such petition. The secretary of the irrigation board shall cause notice of said hearing to be given by publication once a week for four successive weeks in a newspaper of general circulation published in each county wherein any part of said petitioning districts are situated, and also by mailing a written notice of such hearing to the governing boards of such other districts or political subdivisions of the state and to such private

Petition.

Notice.

Hearing.

corporations, mutual ditch companies and mutual water companies as may be designated by the irrigation board. At the time fixed by the irrigation board for such hearing, or at such other time to which the hearing may be adjourned, the irrigation board shall hear and receive evidence in support of any objections which may be filed in opposition thereto, and shall also receive applications from other districts to become a part of such conservation district and from private corporations, mutual ditch companies or mutual water companies to participate in the benefits of such conservation district. If there shall be presented at such hearing a written objection or objections signed by the owners of more than one-half of the lands in any such unit district the signing of such petition by the governing board of such unit district shall be deemed to be nullified and the irrigation board shall have no power to include such unit district within the proposed conservation district.

Territory included.

The irrigation board shall include as a part of such conservation district the territory embraced within any district unit applying to be made part of the conservation district, which applying district shall be lawfully receiving or entitled to receive water from the same stream or streams whose waters are proposed to be stored or diverted by such conservation district, and shall admit to beneficial participation in said conservation district such private corporations, mutual ditch companies or mutual water companies likewise lawfully receiving or entitled to receive water and applying to the irrigation board to be admitted to such participation. The application of any unit district or private corporation, mutual ditch company or mutual water company, not so lawfully receiving or entitled to receive water, to be included as a part of said conservation district or to be permitted to share in the benefits thereof, may be approved or rejected by the irrigation board in its discretion. Upon the final hearing of said matter, the irrigation board shall make an order approving said petition, as originally presented, or as modified by such order. Such order shall describe said conservation district by exterior boundaries when the lands therein lie in one body, or by naming the unit districts embraced therein when said lands do not lie in one body, and shall also designate the private corporations, mutual ditch companies or mutual water companies, entitled to participate in the benefits of the works proposed to be constructed by said conservation district. Upon the filing of such order with the irrigation board such conservation district shall be deemed to be created. A certified copy of the order creating such conservation district shall be filed in the office of the secretary of state, and a certified copy thereof, together with a map showing the boundaries of the district, shall be filed in the office of the county recorder of each of the counties in which any of the lands within the said district are situated. A properly certified copy of such order, together with the map attached thereto, shall be received in all the

Order creating district.

courts of this state as prima facie evidence of the organization of such district in compliance with the provisions of this act, and of the boundaries thereof.

After the formation of a conservation district as herein provided, any irrigation district, reclamation district, drainage district, or other political subdivision of the state organized to promote irrigation, reclamation or drainage, theretofore existing and which was entitled to become a part of and unit in such conservation district at the time of its formation, and any such district or political subdivision of the state thereafter formed, any portion of the lands in which are receiving or entitled to receive water from the same stream or streams for the storage or diversion of whose waters said conservation district was formed, may, at any time prior to the making by the irrigation board of the order approving the apportionment as provided in section ten of this act, but not thereafter, file with the irrigation board a petition to be made a part of and unit in such conservation district. And any private corporation, mutual ditch company or mutual water company existing at the time of the formation of such conservation district, and at that time entitled to be admitted to participation in the benefits resulting from the construction of the works of such conservation district and any such private corporation, mutual water company or mutual ditch company thereafter organized and receiving or entitled to receive water from such stream or streams, may, at any time prior to the making by the irrigation board of the order approving the apportionment as provided in section ten of this act, but not thereafter, file with the irrigation board a petition to be admitted to such participation. Upon the filing of any such petition, within the time hereinbefore limited, the irrigation board shall fix a time and place for the hearing thereof and give such notice of said hearing and cause such proceedings to be had and taken at such hearing and such order to be made and filed, and certified copies of such order to be filed, as in the case of a hearing upon a petition, for the original formation of a conservation district, and the right of such petitioning district or political subdivision to become a part of and unit in such conservation district or of such private corporation, mutual water company or mutual ditch company to be admitted to participation in the benefits resulting from the construction of the works thereof, shall be determined in the same manner as if such district or political subdivision or private corporation or mutual water company or mutual ditch company had presented its petition or application at the hearing of the petition for the original formation of such conservation district.

The irrigation board, or the governing body of any irrigation district, reclamation district, drainage district, or other political subdivision of the state organized to promote irrigation, reclamation or drainage, constituting a unit of said conservation district, or any private corporation, or mutual water company or mutual ditch company admitted to participation in

Petition of
district to
be included.

Petition of
private
corporation,
etc.

Hearing.

Proceeding
to determine
legality of
district.

Proceeding
to determine
legality of
district.

the benefits of such conservation district, may commence a proceeding in the superior court of any county wherein a portion of said conservation district is situated to determine the legality of the existence of said conservation district. The complaint in said proceeding shall describe the district by name, and the exterior boundaries thereof, when the lands therein lie in one body, or by naming the unit districts embraced therein when said lands do not lie in one body, and shall contain a prayer that such district be adjudged a legal conservation district. The summons in such proceeding shall be served by publishing a copy thereof once a week for four successive weeks in a newspaper of general circulation published in each county wherein any part of such district is situated. Within thirty days after the last publication of said summons any person who may be interested may appear and answer said complaint in which answer the facts relied upon to show the invalidity of the district shall be set forth. If no answer shall be filed the court must render judgment as prayed for in the complaint. If any answer shall be filed within said period the court shall thereafter proceed as in other civil cases, but no district shall be adjudged invalid when it appears that such district has, for five years prior to the commencement of such proceeding, been performing its functions as a conservation district in good faith. The proceeding under this section is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

When works
benefit
overflowed
lands.

SEC. 7. When any of the works constructed under the provisions of this act serve the purpose of drainage, flood control or reclamation of swamp and overflowed lands within an irrigation or conservation district formed under the provisions of this act, the irrigation board may estimate the proportion of the cost of said construction, which may be properly charged to the lands benefited by such drainage, flood control or reclamation, and assessments may be levied in the manner herein provided upon the lands so benefited for the purpose of paying such proportion of said cost of construction, together with a reasonable portion of the expenses of maintenance and repair of such works.

Rules and
regulations.

SEC. 8. The irrigation board may make and enforce any and all rules and regulations that in its opinion will promote the objects of this act, and may perform any act and exercise any power necessary to the accomplishment of the purposes herein expressed and full power is hereby conferred in the premises whether or not such powers are herein specially mentioned, and may sue and be sued in the same manner and with the same effect as a municipal corporation.

Member may
conduct
hearing.

SEC. 9. For the purpose of performing any duty under this act the irrigation board may appoint one of its members to conduct any hearing or investigation. Such member shall make a written report of his proceedings and shall state the evidence introduced at any hearing and his conclusions

thereon. Upon such report, or upon such further inquiry as the irrigation board shall deem proper, the irrigation board may pass upon and decide any question under consideration at said hearing or investigation. The decisions of the irrigation board shall be final except as to questions, the determination of which are vested in the courts by this act or by the constitution of this state or by the constitution of the United States.

SEC. 10. Prior to making any assessment, to provide funds for the construction or purchase of any project for the construction or purchase of which any conservation district shall have been formed, there shall be apportioned as hereinafter provided, to each constituent district or unit under such project the proportion to which it is entitled of all water stored or to be stored or diverted or to be diverted by such project for the irrigation of such conservation district, and of all power to be developed in connection therewith, which proportion of such water and power shall be forever applied to the purposes of said constituent district; *provided*, that any water or power that may be so apportioned and for which any constituent district or unit has not, to the full extent thereof, a beneficial use, may be leased by such district or unit, with the consent of the irrigation board, to any other territory within or without the said conservation district; the other districts or units, embraced in said conservation district to be entitled, however, to the first right to so lease such surplus water or power. The apportionment of water and power under this section shall be made by a special board of apportionment and confirmed by the irrigation board. The members of such special board of apportionment shall be three in number and shall be appointed by the irrigation board, subject, however, to the approval of two-thirds of the members of the advisory board hereinafter provided for. The members of such special board of apportionment shall be disinterested persons having no interest in any land within the conservation district within which such apportionment is to be made and not residing within such district. Before entering upon his duties each of the members of said special board of apportionment shall take and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly; that he does not reside therein, and that he will perform the duties of a member of such board to the best of his ability. Said special board of apportionment shall determine, define and apportion to the several districts or units within said conservation district, and to the private corporations, mutual water companies and mutual ditch companies admitted to share in the benefits thereof, the amount and extent of the water to be produced, stored or diverted for the project contemplated by said conservation district and the amount and extent of the power to be produced or generated in connection therewith, and shall likewise determine, define and apportion the cost of the project, and shall make a report thereof to the

Apportionment of water.

Lease of surplus water.

Special board of apportionment.

Oath.

Notice.

irrigation board. Upon receiving such report the irrigation board shall fix a date for the hearing thereof, and notice to all persons in such conservation district shall be given by publication once a week for four successive weeks in a newspaper of general circulation published in each of the counties in which any portion of the said district is situated. Such hearing shall be held upon a date not less than sixty nor more than ninety days after the first publication of said notice, and affidavits of the publication of said notice in the manner herein provided shall be made and filed with the irrigation board before such hearing. In addition to the publication of such notice the secretary of the irrigation board shall mail a copy thereof to the governing boards of such other districts or political subdivisions of the state and to such private corporations, mutual ditch companies and mutual water companies as may be designated by the irrigation board. At the time set for the hearing the irrigation board shall hear and receive evidence in support of objections which may be presented to the apportionment so made, and shall thereupon make its order approving, modifying or rejecting such apportionment. Any person aggrieved by the order of the irrigation board may commence an action in the superior court of any county in which any part of said conservation district is interested to have said apportionment corrected, modified or annulled. Such action must be commenced within thirty days after said order has been made and filed in the office of the secretary of the irrigation board, and if not so commenced no action or defense shall thereafter be maintained attacking the legality of said apportionment in any respect.

Hearing.

Rates.

All works constructed at the expense of any irrigation district created under this act, or for any component unit of a conservation district, or for which the same is assessed or charged for the repayment of moneys expended for construction, shall forever be devoted to the purposes of such constituent district or unit under the administration of the irrigation board. No rates shall be charged by an irrigation district formed under the provisions of this act or by a conservation district for the use of water for irrigation therein or for power developed in connection therewith, except for the just proportion of such irrigation district or the units of such conservation district, or of the private corporations, mutual water companies or mutual ditch companies entitled to or receiving the benefits of the construction and operation of the works of said conservation district, for the expenses of the governing bodies and employees thereof and of the maintenance, operation, repair and supervision of the works constructed for the benefit of such irrigation district or conservation district, and except for the repayment of moneys appropriated and paid as the cost of construction of the said works and the payment of bonds issued therefor and the interest thereon.

It shall be the duty of the irrigation board, and said board shall have power to do all things necessary to that end, to control and supervise the distribution of the water and power apportioned as herein provided to the units of a conservation district and to the private corporations, mutual water companies and mutual ditch companies admitted to share in the benefits thereof.

Control of distribution of water apportioned.

SEC. 11. The irrigation board shall have power to contract with the United States and with the State of California for the repayment of moneys appropriated or expended in the construction of reservoirs, canals, ditches or other works necessary or convenient for any of the purposes herein mentioned. Such repayment shall be made from assessments upon the lands benefited by such works, or the proceeds of bonds issued thereon, from payments made by private corporations, mutual ditch companies or mutual water companies contributing their proportion of the cost of constructing, operating and maintaining such works as provided in section six b of this act, or from revenues derived by the irrigation board for water or power leased or sold by the irrigation board as provided in this act, or from either, all or any of said methods of repayment. The irrigation board may also deposit with the United States and with the state, bonds, notes, contracts, leases, agreements or other obligations for the payment of money, issued or executed by irrigation districts formed under the provisions of this act, or by conservation districts, or the component units of such conservation districts, the proceeds to be applied to said repayment upon such terms as may be agreed upon between the irrigation board and the United States or the State of California.

Power to contract for repayment of money expended.

SEC. 12. The irrigation board shall have power to acquire within or without any irrigation district created under this act or any conservation district, from persons, associations or private corporations, by purchase, condemnation or other lawful means, any land, water, water rights, reservoirs, flumes, ditches, power lines, telegraph or telephone lines or other works or parts thereof necessary or convenient for the purposes herein mentioned, or necessary for the carrying out of any of the projects formed hereunder.

Power to purchase land, etc., needed.

SEC. 13. The chairmen or presiding officers of the governing bodies of the respective irrigation districts, reclamation districts, drainage districts and other political subdivisions of the state organized to promote irrigation, reclamation or drainage, constituting units of a conservation district created under this act, and of the private corporations, mutual water companies and mutual ditch companies contributing to the cost of constructing, operating and maintaining the works of such conservation district, shall be and constitute an advisory board to consult with the irrigation board, and such advisory board shall perform such executive and administrative functions as may be determined from time to time by the irrigation board.

Advisory board.

Power to
make
contracts.

SEC. 14. The irrigation board, except where special power is herein elsewhere conferred, shall have power to make, execute and carry out any agreements or contracts for the performance of any act or the construction of any works provided for in this act, and may make contracts for the sale or rental of unapportioned water or power for periods not to exceed forty years, upon such terms as the irrigation board shall prescribe. All revenues received by the irrigation board from such sales or rentals shall be apportioned to the districts constituting component parts of such conservation district and to the private corporations, mutual water companies and mutual ditch companies contributing to the construction of the project from which such revenues are derived. Such apportionment shall be made in the ratio of the respective amounts of assessments levied or charges made for the construction of the works in connection with which such revenues are derived.

Apportionment of
revenues.

Contracts
between
districts, etc.

For the purpose of carrying this act into effect and of accomplishing the ends and objects herein expressed, and the development and utilization of the water resources of this state, conservation districts, irrigation districts, formed under the provisions of this act, reclamation districts and other political subdivisions of the state organized to promote irrigation, reclamation or drainage, and private corporations organized for the purpose of selling or distributing water or electric power for domestic, irrigation, manufacture, or other beneficial uses and purposes, and mutual water companies and mutual ditch companies, may enter into contracts or agreements with each other or with other districts, political subdivisions, private corporations, associations or persons, for the development, appropriation or storage of water and the apportionment and distribution thereof, and the management, operation and maintenance of any works acquired pursuant to this section, and the division, distribution and payment of the cost and expense of such development, appropriation, storage, apportionment, distribution, management, operation and maintenance. And every and all such contract or contracts shall be valid and binding, in accordance with their terms and provisions respectively; *provided, however*, that before any such contract or contracts shall go into force or effect or become binding for any purpose, the same shall be submitted to and approved by the irrigation board; *and provided, further*, that where any such contract relates to or affects the sale, rental or distribution of water or electric power, or the beneficial use of water, by a public utility, the same shall, before it goes into force or effect or becomes binding, be submitted to and approved by the railroad commission of the State of California. And all such contracts approved as herein provided shall be binding and valid for all purposes, either in perpetuity or such term or terms as shall be specified or agreed upon therein or in the order or orders approving the same.

The provisions of this section are in aid of and in addition to other provisions of this act, and the same shall be construed and considered as so in aid of and in addition to, and not limited by or restricted by any of the other terms or provisions of this act. Nothing in this section contained shall be construed to affect or impair the organization or rights of mutual water companies or mutual ditch companies or the rights of the stockholders or members of such companies.

SEC. 15. The irrigation board shall, upon the organization of any conservation district as in this act provided, proceed to make or cause to be made, all necessary examinations, surveys, plans and estimates of cost for the storage, diversion and distribution of water and the generation of electric power in connection therewith, and the sale and distribution thereof as may be necessary or requisite to enable said board to ascertain and estimate the requirements and works necessary as aforesaid for the purposes of said conservation district and the probable cost and expense thereof, and in that connection may use and adopt all previous estimates, surveys and reports it may have collected adapted to that purpose, and may employ all necessary engineers and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project and may issue warrants therefor and same shall bear interest from date of issue at the rate of six per cent per annum until paid, and shall be payable out of the funds of said district, and may be included in any bond issue authorized for the purposes of said district.

Surveys,
etc., of
conservation
districts.

Such estimate as is above provided for shall be in such form as shall be approved by said irrigation board and shall be entered in the minutes of said board and shall constitute a part of the records of said board, and the same, or a copy thereof, certified by the secretary of said board, shall be admissible as evidence in any proceeding before any court, commission or tribunal of this state wherein the matters therein set forth shall be admissible in evidence.

Whenever, for any of the purposes of this act, the irrigation board shall deem it necessary for the purposes of said district, or the levying of an assessment upon the property therein, or the issuance of bonds by said district, said board shall appoint three commissioners for such purpose or purposes. Such commissioners shall have no interest in any land in the district, either directly or indirectly, and each commissioner before entering upon his duties shall make and subscribe an oath that he is not in any manner interested directly or indirectly in any land in said district, and that he will perform the duties of commissioner to the best of his ability. Thereupon said commissioners shall proceed separately as to each unit within said district to view and assess upon the land within said district a sum sufficient to cover said estimated amount and shall apportion the same according to the benefits which will accrue to each unit within said district, and separately as to each tract of land within said unit. Such benefits to be estimated

Commis-
sioners to
assess land

according to the benefits which will accrue to each tract of land in such unit by reason of the expenditure of said estimated sum, and shall estimate the same in gold coin of the United States.

Assessment
roll.

Said commissioners shall prepare and certify a roll on which they shall state the name and address of the owner of each parcel of land in such unit, or if the name or address of any owner is unknown, then, that fact; also a description of each parcel of land by legal subdivisions or boundaries, and the total amount assessed against each parcel of land so described. No mistake in the name of the owner, or supposed owner of any parcel of land, shall invalidate the apportionment or assessment. A separate roll shall be made for the lands in each county where such unit includes land in more than one county. When completed said roll or rolls shall be filed with the irrigation board and certified copies of the particular roll for each county shall be filed with the county recorder of any county in which any lands within said unit may be, and each roll shall be open for inspection by the public for at least thirty days.

Hearing.

The irrigation board shall appoint a time and place not less than thirty days after said roll has been filed with said recorder or recorders when and where it will meet, within said conservation district for the purpose of hearing objection to said assessment and the apportionment thereof and notice of such hearing shall be published at least once a week for two successive weeks in some newspaper published in each county in which any lands within said district may be. At any time before or at the original date of such hearing, any person interested in any real estate upon which any charge has been apportioned and assessed, may file in the office of the secretary of said irrigation board written objections thereto, stating the grounds of such objections, which said statements shall be verified by the affidavit of such person or some other person who is familiar with the facts. Said irrigation board may postpone such hearing from time to time. At such hearing the irrigation board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment and may modify or amend the same and may reapportion all or any part of the entire assessment. No assessment or apportionment shall be increased except upon the hearing of objections thereto or after personal notice or notice by mail to the owner of the land upon which said increase is made. Said irrigation board must make and enter in its minutes an order approving said assessment and apportionment as finally fixed, and the decision of said irrigation board shall be final, and thereafter said assessment and apportionment shall be conclusive evidence of the validity of said assessment and apportionment, and no action or defense shall ever be maintained attacking the same in any respect. And the records of said irrigation board, or a copy thereof certified by its secretary, shall be received in evidence in all or any of the courts of this state, or before

Objections.

Approval of
assessments.

any board or tribunal authorized to hear or consider any matter wherein the same shall be admissible as evidence. No change shall be made in said assessment or apportionment after the consideration, approval and fixing thereof by said irrigation board, and all assessments upon the property of said district thereafter shall be levied in accordance therewith and consistent with the apportionment of benefits therein provided for and fixed, and if any assessments are called for or required in addition to the original amount estimated and apportioned for the purposes of said district, such additional amount shall be assessed, levied and raised in accordance with said apportionment and assessment of benefits so fixed in the first instance by said irrigation board. A certified copy of such assessment and apportionment roll as finally approved shall be filed in the offices of the county recorder of each county in which any land within said district is situated. Such assessment and apportionment shall thereafter constitute a first lien upon the land affected thereby until the full amount thereof is paid or until all bonds of the district issued thereon, together with the accrued interest, shall have been fully paid. The said irrigation board shall on the first Tuesday in May following the fixing and approval of said assessment and apportionment therein provided for, and annually thereafter on said date, levy an assessment, sufficient to raise the annual interest on the outstanding bonds of said district, and in any year in which any bonds shall fall due must increase such assessment to an amount sufficient to pay the principal of the outstanding bonds as they mature; also sufficient to pay in full all sums that may become due from the district before the time of collection of the next annual assessment, including an amount sufficient to pay in full the amount of any contract or obligation of the district which may come due during said year or may have been reduced to judgment. And to provide for and maintain a fund out of which the current and contingent obligations of said district can be paid in cash as they mature. In addition to the amounts estimated as necessary for the purposes aforesaid, a further levy of fifteen per cent additional shall be included and levied for the purposes of meeting any additional amounts that may be required on account of delinquencies and to insure the payment of all of the bonded indebtedness, including the interest thereon and other obligations of said district at maturity. Whenever there is a surplus in the funds of said district over and above all requirements as herein specified for the payment of the bonded indebtedness and interest thereon and accrued obligations of said district, such a surplus may be used and applied in retiring the outstanding bonds, or any thereof, of said district. The secretary of the irrigation 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 upon

Lien.

Annual levy.

Additional
levy.Surplus used
in retiring
bonds.

the property therein enumerated. In so doing, said secretary shall enter the names of the owners of such lands and the descriptions thereof in accordance with the last assessment roll of the county in which the said lands are situated. Such assessment must be so levied and computed as to be in accordance with the apportionment and assessment of benefits herein provided for and so that all lands within said district shall be assessed and required to pay in accordance therewith.

Duty of
county
auditor.

The secretary of said board shall forthwith deliver a certified copy of that portion of said assessment so directed to be entered by him, so far as it applies or appertains to any land within any county situated within said district to the county auditor of such county, and such auditor shall accept and receipt for the same; and thereupon it shall be the duty of said auditor to include said assessment as an assessment against each parcel or tract of land therein described. It shall be the duty of said auditor to examine and ascertain as to any errors or discrepancies that may exist in said roll as to the ownership of, or the descriptions of, land as applied to any owner or owners thereof as compared with the assessment roll of the said county for such year, and if any such difference or discrepancies are found, it shall be the duty of said auditor to correct the same accordingly so that the said roll as to ownerships and descriptions of land and assessments thereof shall correspond to the assessment roll of said county and for such year. And it shall be his duty to audit, enter and certify the same to the tax collector of said county for collection in the same manner and form as county, school district and other taxes are included and certified by him to such tax collector, and all such assessments shall constitute a first lien upon the lands affected thereby as hereinbefore provided.

Additional
clerical force
for auditor.

The board of supervisors is hereby authorized and empowered to employ what extra clerical force is necessary to perform the additional duties herein prescribed for the auditor. Said extra clerks shall receive as compensation for the work herein provided a per diem not to exceed five dollars which shall be paid by the districts operating under the provisions of this act in proportion to the amount of work done for each and it shall be the duty of the clerk of said board to issue warrants payable to such clerks employed as herein provided out of the funds of the districts, upon the presentation of a verified demand, approved by the auditor and the board of supervisors.

Duty of tax
collector.

Upon receipt of the same from the auditor of such county it shall be the duty of the tax collector of said county to include the same as a separate entry and charge against the land therein described and to collect the same with the county, school district and other taxes so required to be collected by such county tax collector and to keep and deposit such district taxes in a separate fund, and when the same is collected it shall be the duty of such tax collector to pay the same over to the treasurer of such county at the same time and in the same

manner as other taxes collected by him are paid over to such treasurer, and it shall be the duty of such treasurer to receive the same as other taxes are received by him and after receipt thereof to keep the same in a separate fund; and upon receipt of same, or any part thereof, it shall be the duty of such county treasurer within thirty days thereafter to pay the same and all thereof to the treasurer of the State of California, who shall receive and keep the same and deposit the same in a separate fund to the credit of the said district, and to be paid out by him upon the order and approval of the said irrigation board.

All moneys received under contracts, leases or other arrangements by such conservation district from any canal companies, mutual or other water companies, reclamation districts, or from any corporations, individuals, or other sources not herein otherwise provided for shall be collected by said irrigation board and by it deposited with the state treasurer, and thereafter to be disbursed as provided as to funds of such district under the order and direction of such irrigation board for the purposes and obligations of said district, including the payment and retirement of outstanding bonds with interest thereon.

From and after the time of the filing of such assessment roll of such district with the auditor of any county the taxes therein enumerated, levied and assessed, shall be regarded and treated as are the other taxes of said county or the school districts thereof, and the same shall be included in and considered a part of such taxes and the same shall become delinquent at the same time and in the same manner as such other taxes, and with respect to any delinquency or delinquent notices the same shall become delinquent and notice thereof shall be published with and at the same time and in the same manner as other delinquent taxes, and the same shall be similarly treated for all purposes of notice and sale thereof for such delinquent taxes, and shall be subject to redemption from such delinquent district taxes at the same time and in the same manner and through the same officials as are such other taxes. And any and all charges and penalties in connection with such delinquency and interest thereon and penalties in connection therewith shall be similarly charged and collected, and the amounts so collected on account of any such delinquent taxes or interest or penalties thereon shall be received by the county treasurer and paid over to the state treasurer in the same manner as is hereinabove provided, and in the event of the sale of any property for delinquent taxes of such counties or other delinquent taxes, said district taxes shall be included therein and said property shall be sold therefor in connection with and including such other taxes, and upon a redemption thereof or upon a sale of said lands the said district taxes shall be included therein and together with interest and penalties thereon the same shall be received and paid over to the county treasurer, and by him paid over to the state treasurer, as hereinbefore provided.

Moneys received under contracts, etc., collected by irrigation board.

Delinquent taxes.

Issue of
bonds.

SEC. 16. At any time after the irrigation board shall have made the examinations, surveys, plans and estimates of cost for the storage, diversion and distribution of water, and for the other purposes enumerated in this act, and after the same has been entered in the minutes of said board and shall have also had assessed and apportioned upon the lands in said conservation district the charges and benefits and apportionments provided for in this act, and after such apportionment and assessment roll shall have been finally fixed and approved by the said board, and after the same has been entered in the minutes of the said board must, as soon as may be practicable, proceed and issue the bonds of said district for the purposes aforesaid.

Estimate
of amount
necessary.

The said board shall, in connection with the previous estimates made and adopted by it, estimate the amount of money necessary to be raised by such bond issue for the purposes of said district, as aforesaid, and shall ascertain and determine the same and enter its order to that effect in the minutes of said board. And whenever thereafter the construction fund has been exhausted by expenditures herein authorized, and it is necessary to raise additional money for such purposes, it shall be the duty of said board to estimate and determine the amount of money necessary to be raised for such additional purposes.

Examination
by engineer.

For the purposes of such bond issue, or additional bond issue, the said board shall be authorized to employ engineers and other assistants and make all such further examinations and estimates as may be necessary, to fix and determine such matters and the conclusion and estimates of said board shall be entered in its minutes. Said irrigation board shall by order

Special
election.

entered in its records order a special election to be held at such places in said district as shall be designated by said irrigation board, and at least one such place shall be designated as a voting place in each unit of said conservation district at which said election there shall be submitted to the owners of land in said district the question of whether or not the bonds of said district shall be issued in the amount specified in the order of said board, and which amount shall be stated in the order for such special election. For all purposes of this act relating to

Evidence of
ownership.

signing petitions and voting at any election, and for all other purposes where the question of title to land claimed to be owned by such voter or owner is involved, the equalized assessment roll for the year last preceding in each county wherein any land of the said district is situated, shall be sufficient evidence of ownership of lands in the district, and the certificate of the register of the United States land office in which the lands are situated or of the surveyor general of the State of California, shall be sufficient evidence of possessory right in any lands in the district entered under the laws of the United States or of the State of California. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign any such petition and may vote without obtaining any special authority

therefor. Said irrigation board shall at the time of calling the said election designate in its order the voting places at which said election shall be held and where votes shall be cast and shall designate three landholders of the district to act as a board of election at each voting place.

Notice of such special election must be given by the irrigation board by posting notice thereof in at least three public places in each unit of the district at least twenty days prior thereto, and also by publishing such notice once a week for the same length of time in some newspaper of general circulation, published in each county in which any portion of said district may be situated, or if there be no newspaper published in any one of such counties, then in each county wherein such newspaper is published; and such notice must specify the time and place of holding said election and the aggregate face value of bonds proposed to be issued and the names of three landholders of said district to act as a board of election at each polling place. Affidavits of the publication and posting of such notice must be filed with the clerk of said irrigation board. Notice.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each acre of real estate owned by him in the district, such ownership to be determined from the next preceding assessment roll of the county or counties in which the lands of the district are situated and the irrigation board shall, prior to the election, cause to be prepared and certified and furnished to the board of election at each polling place, a true and correct copy of each of said next preceding assessment rolls so far as such assessment roll applies to any lands within such district, and shall likewise cause to be prepared and furnished lists certified by the register of the United States land office and the surveyor general of the State of California respectively showing the lands within the district entered upon under the laws of the United States and the State of California respectively, which said list, so far as disclosed by the records of said officers, shall contain the names of the persons entitled to possessory rights therein and the quantity of land held by each of said persons by virtue of said rights. Said certified rolls and certified lists shall be used by the board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the vote of the estates represented by them. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. One vote for each acre.

The ballots cast at such election shall contain the words "bonds, yes" or "bonds, no" and also the name of the person casting the ballot, with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the name of each voter, and, if the ballots be cast Ballots.

by proxy, the name of the person casting it and the number of votes cast by each and whether the same be cast for or against the issuing of bonds.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present, voting individually, may appoint in his place any landholder in the district. Each member of said board of election must, before entering upon his duties, take and subscribe an official oath, to faithfully perform his duties as an officer of such election, which oath may be administered by an officer authorized to administer oaths, or by a landholder in the district.

Oath of election officer.

Polls open.

The polls shall be kept open from ten o'clock a.m. of the day of election until five o'clock p.m. of that day.

Canvass of votes.

At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing such result and the number of votes cast for and against the issuing of the bonds to the irrigation board and shall also deliver to the said irrigation board all ballots cast at such election and all documents and papers used at such election.

Order of irrigation board.

Said irrigation board shall, upon the receipt of such canvass and declaration of the result from the said board of election, proceed to examine the same and shall ascertain and declare the result as shown by such canvass and declaration, and shall enter an order in its minutes that the said proposition for the issuance of said bonds has been carried or defeated, as the case may be.

Result recorded.

Notwithstanding, upon the declaration of the result of said election by said irrigation board, the secretary of said board shall make a certified copy of the order of said board, declaring the result of said election, and shall forward said certified copy or copies to the recorder or recorders of the counties in which any land of said conservation district may be situated, and the same shall forthwith be filed and recorded in said recorder or recorders' office, and shall impart notice to all interested persons as to the result of said election.

Contest of election.

Any person owning property within the said district, liable to assessment, may contest such election, by filing a written contest specifying the grounds of his objections thereto, with said irrigation board, said written contest to be filed within thirty days after the declaration of the result of said election by said irrigation board, and if no such contest and objections be filed within thirty days, no such contest and objections shall thereafter be received or filed. Such written contest shall

Hearing.

specify the ground or grounds of contest to said election, and upon the filing of the same with said irrigation board shall expeditiously set the said contest for hearing, and shall have the right to postpone the hearing for such time as may be necessary, but not otherwise, and shall expeditiously hear and determine the same. For the purposes of such hearing the board may by subpoena, signed by the secretary, under its

seal, compel the attendance of witnesses and the production of evidence. Disobedience of such subpoena or of any lawful order of the board in the premises shall constitute a contempt of the authority of the board punishable by the board in accordance with title five of part three, of the Code of Civil Procedure, and shall also constitute a misdemeanor under section one hundred sixty-six of the Penal Code. Said irrigation board shall, upon the conclusion of said hearing of said contest, proceed forthwith to enter its order and decision thereon. Such decision on the part of said irrigation board shall be final, conclusive and binding upon all parties interested as to validity and as to result of such election and shall be subject to review only in event suit is brought by the said district or by some person or corporation or association authorized to bring the same to determine the question of the validity of the said bond issue, and in the determination and adjudication of the question of the validity of said bond issue, as hereinafter specified, the court may review and consider the validity of said election for the issuance of said bonds, but in such action the certificate and determination of said irrigation board shall be received and accepted by the court as prima facie evidence of the result as to the validity of said election and the regularity of the canvassing, counting and return of the votes cast at said election. If a majority of the votes cast at such an election is in favor of the issuance of bonds, the irrigation board after canvassing the returns and declaring the result of said election shall cause bonds in the amount stated in the order for the election to be issued, executed and delivered to the state treasurer of the State of California. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the irrigation board and attested by the secretary thereof, and shall be numbered consecutively in the order of their maturity, and shall bear interest at the rate not exceeding six per centum per annum, payable semiannually on the first day of January and the first day of July in each year, at the office of said state treasurer, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the state treasurer of the State of California.

The principal of said bonds shall be made payable, by an order entered into the minutes of the irrigation board, upon the first day of July or the first day of January, and in such years as the irrigation board may prescribe. Said bonds shall be payable serially within forty years from their date in the manner following, to wit:

Not less than five per cent of the aggregate face value of the bonds issued shall be payable each year, beginning not later than the twentieth year from their date until the whole amount of said bonds have been paid.

Decision
final.

Bonds issued.

Principal.

Amount
payable
yearly.

Said irrigation board, subject to the provisions of this act, is authorized and empowered to take all such actions and make all such orders as may be necessary in connection with the issuance, sale and disposition of said bonds.

Form of bonds.

Said bonds may be substantially in the following form :

UNITED STATES OF AMERICA.

STATE OF CALIFORNIA.

No. _____ \$_____

(Name of district) Conservation District No. _____ for value received, hereby acknowledge itself indebted to and promises to pay to the holder hereof at the office of the state treasurer of the State of California, on the first day of _____, 19____, the sum of \$_____, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of _____ per cent per annum, payable at the office of said treasurer semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of _____ bonds of like tenor and effect, except as to denomination and maturity, numbered from _____ to _____, inclusive, amounting in the aggregate to \$_____, issued in accordance with the California irrigation act, pursuant to an election held in said district on the _____ day of _____, 19____, authorizing its issuance, and is based upon and secured by a lien upon and a valuation and apportionment levied on the land in said district and filed in the office of the state irrigation board on the _____ day of _____, 19____. And the said district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of such district bonds.

In testimony whereof, the said conservation district, acting by and through the irrigation board of the State of California, has caused this bond to be signed by the president of said irrigation board, and attested by the secretary thereof, with his seal of office affixed, this _____ day of _____, 19____.

By _____
President of said board.

Attest: _____
Secretary of said board.

And the interest coupon may be substantially in the following form:

Form of interest coupon.

No.----- \$-----

The state treasurer of the State of California will pay to the holder hereof on the ----- day of -----, 19----, at his office in the city of Sacramento, State of California, the sum of \$----- in gold coin of the United States out of the funds of ----- district ----- for interest on bond of said district numbered -----.

State treasurer.

The state treasurer shall place the bonds prepared pursuant to this act to the credit of the district and the irrigation board may in its discretion direct the state treasurer to sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the state treasurer by publication at least once a week for three weeks in a newspaper of general circulation published in the city of Sacramento, and also one or more papers in said district, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed the state treasurer shall open the bids and award the bonds to the highest responsible bidder. He may reject any and all bids. Any sale by the state treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the state treasury to the credit of said district, and a proper record of such transaction shall be made upon his books. At any time after said bonds shall have been delivered to the state treasurer, an action may be commenced in the superior court of the county within which is situated the largest area of land within said district by the irrigation board in the name of the district or by any unit of said district or by any person owning property within the said district liable to assessment. Such action shall be brought and prosecuted against the lands in said district and all persons owning the same or interested therein, to have it determined as to whether or not said bonds when sold will be a legal obligation of such district. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for three weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the

Sale of bonds by state treasurer.

Action to determine if bonds are legal obligation.

complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment and said appeal and the hearing thereof shall be expedited in said court. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and all other interested persons.

Warrants.

The irrigation board may draw warrants upon the state treasurer against the funds provided by sale of said bonds.

The money derived from the sale of any of said bonds shall be received by the state treasurer and shall by him be safely kept and placed to the credit of said district in a fund to be designated in the name of such district for the said district and may be drawn and expended upon warrants drawn against said fund as in this act provided.

Bonds legal investment.

Bonds of any district issued pursuant to the provisions of this act which are investigated and approved by any commission or officer now or hereafter authorized by the laws of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks may be lawfully purchased or received in pledge for loans by banks, trust companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state, or of any county, city, city and county or other municipal or corporate body within the state having or holding funds which they are allowed by law to invest or loan.

Additional bond issue.

If after said district has authorized the issuance and sale of a series of bonds under this act, it shall become necessary so to do, an additional bond issue or series of bonds may be authorized and sold and all proceedings shall be had and taken, and all procedure in connection with said second issue or series of bonds shall be had and taken in accordance with the provisions of this act as to the first issue of bonds; *provided*, that said second issue or series of bonds shall not be issued so as to in any manner interfere with the lien or security of the payment of the first issue of bonds, and said second issue or series of bonds shall, as to the lien thereof and as to the security of same, be subsequent and subordinate and subject to such first bond issue.

Surveys, etc., of irrigation district.

SEC. 17. The irrigation board shall, upon the organization of any irrigation district as in this act provided, proceed to make or cause to be made, all necessary examinations, surveys, plans and estimates of cost for the storage, diversion and distribution of water and the generation of electric power in connection therewith, and the sale and distribution thereof

as may be necessary or requisite to enable said board to ascertain and estimate the requirements and works necessary as aforesaid for the purposes of said irrigation district and the probable cost and expense thereof, and in that connection may use and adopt all previous estimates, surveys and reports it may have collected adapted to that purpose, and may employ all necessary engineers and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and may issue warrants therefor and same shall bear interest from date of issue at the rate of six per cent per annum until paid, and shall be payable out of the funds of said district, and may be included in any bond issue authorized for the purposes of said district.

Such estimate as is above provided for shall be in such form as shall be approved by said irrigation board and shall be entered in the minutes of said board and shall constitute a part of the records of said board, and the same, or a copy thereof, certified by the secretary of said board, shall be admissible as evidence in any proceeding before any court, commission or tribunal of this state wherein the matters therein set forth shall be admissible in evidence.

Estimate
to be
matter
of record.

Whenever, for any of the purposes of this act, the irrigation board shall deem it necessary for the purposes of said irrigation district, or the levying of an assessment upon the property therein, or the issuance of bonds by said irrigation district, said board shall appoint three commissioners for such purpose or purposes. Such commissioners shall have no interest in any land in the irrigation district, either directly or indirectly, and each commissioner before entering upon his duties shall make and subscribe an oath that he is not in any manner interested directly or indirectly in any land in said irrigation district, and that he will perform the duties of commissioner to the best of his ability. Thereupon said commissioners shall proceed to view and assess upon the land within said irrigation district a sum sufficient to cover said estimated amount and shall apportion the same according to the benefits which will accrue to each tract of land within said irrigation district, such benefits to be estimated according to the benefits which will accrue to each tract of land in such irrigation district by reason of the expenditure of said estimated sum, and shall estimate the same in gold coin of the United States.

Commis-
sioners to
assess land.

Said commissioners shall prepare and certify a roll on which they shall state the name and address of the owner of each parcel of land in such irrigation district, or if the name or address of any owner is unknown, then that fact; also a description of each parcel of land by legal subdivisions or boundaries, and the total amount assessed against each parcel of land so described. No mistake in the name of the owner, or supposed owner of any parcel of land, shall invalidate the apportionment or assessment. A separate roll shall be made for the lands in each county where such irrigation district includes land in more than one county. When completed said

Assessment
roll.

roll or rolls shall be filed with the irrigation board and certified copies of the particular roll for each county shall be filed with the county recorder of any county in which any lands within said irrigation district may be, and each roll shall be open for inspection by the public for at least thirty days.

Hearing.

The irrigation board shall appoint a time and place not less than thirty days after said roll has been filed with said recorder or recorders when and where it will meet, within the county in which the greater portion of said irrigation district is situated for the purpose of hearing objection to said assessment and the apportionment thereof and notice of such hearing shall be published at least once a week for two successive weeks in some newspaper published in each county in which any lands within said irrigation district may be. At any time before or at the original date of such hearing, any person interested in any real estate upon which any charge has been apportioned and assessed, may file in the office of the secretary of said irrigation board written objections thereto, stating the grounds of such objections, which said statements shall be verified by the affidavit of such person or some other person who is familiar with the facts. Said irrigation board may

Objections.

postpone such hearing from time to time. At such hearing the irrigation board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment and may modify or amend the same and may reapportion all or any part of the entire assessment. No assessment or apportionment shall be increased except upon the hearing of objections thereto or after personal notice or notice by mail to the owner of the land upon which said increase is made. Said irrigation board must make and enter in its minutes an order approving said assessment and apportionment as finally fixed, and the decision of said irrigation board shall be final, and thereafter said assessment and apportionment shall be conclusive evidence of the validity of said assessment and apportionment, and no action or defense shall ever be maintained attacking the same in any respect. And the records of said irrigation board, or a copy thereof certified by its secretary, shall be received in evidence in all or any of the courts of this state, or before any board or tribunal authorized to hear or consider any matter wherein the same shall be admissible as evidence. No change shall be made in said assessment or apportionment after the consideration, approval and fixing thereof by said irrigation board and all assessments upon the property of said irrigation district thereafter shall be levied in accordance therewith and consistent with the apportionment of benefits therein provided for and fixed, and if any assessments are called for or required in addition to the original amount estimated and apportioned for the purposes of said irrigation district, such additional amount shall be assessed, levied and raised in accordance with said apportionment and assessment of benefits so fixed in the first instance by said irrigation board. A certified copy of such assessment

Evidence.

Approval of assessment.

and apportionment roll as finally approved shall be filed in the office of the county recorder of each county in which any land within said irrigation district is situated. Such assessment and apportionment shall thereafter constitute a first lien upon the land affected thereby until the full amount thereof is paid or until all bonds of the irrigation district issued thereon, together with the accrued interest, shall have been fully paid. The said irrigation board shall on the first Tuesday in May following the fixing and approval of said assessment and apportionment therein provided for, and annually thereafter on said date, levy an assessment, sufficient to raise the annual interest on the outstanding bonds of said irrigation district, and in any year in which any bonds shall fall due must increase such assessment to an amount sufficient to pay the principal of the outstanding bonds as they mature; also sufficient to pay in full all sums that may become due from the irrigation district before the time of collection of the next annual assessment, including an amount sufficient to pay in full the amount of any contract or obligation of the irrigation district which may come due during said year or may have been reduced to judgment, and to provide for and maintain a fund out of which the current and contingent obligations of said irrigation district can be paid in cash as they mature. In addition to the amounts estimated as necessary for the purposes aforesaid, a further levy of fifteen per cent additional shall be included and levied for the purposes of meeting any additional amounts that may be required on account of delinquencies and to insure the payment of all of the bonded indebtedness, including the interest thereon and other obligations of said irrigation district at maturity. Whenever there is a surplus in the funds of said district over and above all requirements as herein specified for the payment of the bonded indebtedness and interest thereon and accrued obligations of said irrigation district, such a surplus may be used and applied in retiring the outstanding bonds or any thereof of said irrigation district. The secretary of the irrigation 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 upon the property therein enumerated. In so doing, said secretary shall enter the names of the owners of such lands and the descriptions thereof in accordance with the last assessment roll of the county in which the said lands are situated. Such assessment must be so levied and computed as to be in accordance with the apportionment and assessment of benefits herein provided for and so that all lands within said irrigation district shall be assessed and required to pay in accordance therewith.

Lien.

Annual levy.

Additional
levy.Surplus used
in retiring
bonds.

The secretary of said board shall forthwith deliver a certified copy of that portion of said assessment so directed to be entered by him, so far as it applies or appertains to any land within any county situated within said irrigation district to the county auditor of such county, and such auditor shall accept and

Duty of
county
auditor.

Duty of
county
auditor.

receipt for the same, and thereupon it shall be the duty of said auditor to include said assessment as an assessment against each parcel or tract of land therein described. It shall be the duty of said auditor to examine and ascertain as to any errors or discrepancies that may exist in said roll as to the ownership of or the descriptions of land as applied to any owner or owners thereof as compared with the assessment roll of the said county for such year, and if any such difference or discrepancies are found, it shall be the duty of said auditor to correct the same accordingly so that the said roll as to ownerships and descriptions of land and assessments thereof shall correspond to the assessment roll of said county and for such year. And it shall be his duty to audit, enter and certify the same to the tax collector of said county for collection in the same manner and form as county, school district and other taxes are included and certified by him to such tax collector, and all such assessments shall constitute a first lien upon the lands affected thereby as hereinbefore provided.

Extra
clerical force
for auditor.

The board of supervisors is hereby authorized and empowered to employ what extra clerical force is necessary to perform the additional duties herein prescribed for the auditor. Said extra clerks shall receive as compensation for the work herein provided a per diem not to exceed five dollars which shall be paid by the districts operating under the provisions of this act in proportion to the amount of work done for each and it shall be the duty of the clerk of said board to issue warrants payable to such clerks employed as herein provided out of the funds of the districts, upon the presentation of a verified demand, approved by the auditor and the board of supervisors.

Duty of tax
collector.

Upon receipt of the same from the auditor of such county it shall be the duty of the tax collector of said county to include the same as a separate entry and charge against the land therein described and to collect the same with the county, school district and other taxes so required to be collected by such county tax collector and to keep and deposit such irrigation district taxes in a separate fund, and when the same is collected it shall be the duty of such tax collector to pay the same over to the treasurer of such county at the same time and in the same manner as other taxes collected by him are paid over to such treasurer, and it shall be the duty of such treasurer to receive the same as other taxes are received by him and after receipt thereof to keep the same in a separate fund and upon receipt of same, or any part thereof, it shall be the duty of such county treasurer within thirty days thereafter to pay the same and all thereof to the treasurer of the State of California, who shall receive and keep the same and deposit the same in a separate fund to the credit of the said district, and to be paid out by him upon the order and approval of the said irrigation board.

All moneys received under contracts, leases or other arrangements by such irrigation district from any canal companies, mutual or other water companies, reclamation districts, or from any corporations, individuals, or other sources not herein otherwise provided for, shall be collected by said irrigation board and by it deposited with the state treasurer, and thereafter to be disbursed as provided as to funds of such irrigation district under the order and direction of such irrigation board for the purposes and obligations of said irrigation district, including the payment and retirement of outstanding bonds with interest thereon.

Moneys received under contracts, etc., collected by irrigation board.

From and after the time of the filing of such assessment roll of such irrigation district with the auditor of any county the taxes therein enumerated, levied and assessed, shall be regarded and treated as are the other taxes of said county or the school districts thereof and the same shall be included in and considered a part of such taxes and the same shall become delinquent at the same time and in the same manner as such other taxes, and with respect to any delinquency or delinquent notices the same shall become delinquent and notice thereof shall be published with and at the same time and in the same manner as other delinquent taxes and the same shall be similarly treated for all purposes of notice and sale thereof for such delinquent taxes, and shall be subject to redemption from such delinquent irrigation district taxes at the same time and in the same manner and through the same officials as are such other taxes. And any and all charges and penalties in connection therewith shall be similarly charged and collected, and the amounts so collected on account of any such delinquent taxes or interest or penalties thereon shall be received by the county treasurer and paid over to the state treasurer in the same manner as is hereinabove provided, and in the event of the sale of any property for delinquent taxes of such counties or other delinquent taxes, said irrigation district taxes shall be included therein and said property shall be sold therefor in connection with and including such other taxes, and upon a redemption thereof or upon a sale of said lands the said irrigation district taxes shall be included therein and together with interest and penalties thereon the same shall be received and paid over to the county treasurer, and by him paid over to the state treasurer, as hereinbefore provided.

Delinquent taxes.

SEC. 17a. Upon the organization of an irrigation district hereunder and for the purpose of defraying the expenses of such organization, and for any other purposes of this act, prior to the making of the assessment provided for in section seventeen, the directors may incur an indebtedness not exceeding one-half as many dollars as there are acres in the district, and upon the certification thereof to the irrigation board, such board shall cause warrants to issue therefor bearing interest at a rate to be fixed by the board of directors, not to exceed six per centum per annum, and thereafter it shall be

Defraying expenses prior to making assessment.

Ascertain-
ment of
assessment.

the duty of the irrigation board to levy an assessment sufficient to pay said warrants upon all of the lands within the district, in the same manner and at the same time, so far as possible, as other assessments are provided to be levied (except as to the appointment of commissioners). Said assessment shall be ascertained by dividing the number of dollars due or to become due upon the warrants which have been issued by the number of acres in the district, and assessing to each acre the result so obtained. Such assessment roll shall be prepared and delivered to the county auditor or auditors by the secretary of the irrigation board as provided in section seventeen, and the said amount shall be collected by the tax collector of the county in the same manner as is provided for the collection of other assessments levied by the district.

Where an irrigation district is organized after the first Tuesday in May of any year, the irrigation board shall nevertheless, at the request of the board of directors of said district, cause an assessment to be levied payable at the same time as if levied prior to the first Tuesday in May as in this section provided, of an amount sufficient to defray the expenses of organization and other expenses of the district prior to the levying of the assessment provided for in section seventeen, not, however, to exceed the limit in this section specified.

Issue of
bonds.

SEC. 18. At any time after the irrigation board shall have made the examinations, surveys, plans and estimates of cost for the storage, diversion and distribution of water, and for the other purposes enumerated in this act, and after the same has been entered in the minutes of said board and shall have also had assessed and apportioned upon the lands in any irrigation district organized under the provision of this act the charges and benefits and apportionments provided for in this act, and after such apportionment and assessment roll shall have been finally fixed and approved by the said board, and after the same has been entered in the minutes of the said board must, as soon as may be practicable, proceed and issue the bonds of said irrigation district for the purposes aforesaid.

Estimate of
amount
necessary.

The said board shall, in connection with the previous estimates made and adopted by it, estimate the amount of money necessary to be raised by such bond issue for the purposes of said irrigation district, as aforesaid, and shall ascertain and determine the same and enter its order to that effect in the minutes of said board. And whenever thereafter the construction fund of said irrigation district has been exhausted by expenditures herein authorized, and it is necessary to raise additional money for such purposes, it shall be the duty of said board to estimate and determine the amount of money necessary to be raised for such additional purposes.

Examination
by engineer.

For the purposes of such bond issue, or additional bond issue, the said board shall be authorized to employ engineers and other assistants and make all such further examinations and estimates as may be necessary, to fix and determine such

matters and the conclusion and estimates of said board shall be entered in its minutes. Said irrigation board shall by order entered in its records order a special election to be held at such place or places in said irrigation district as shall be designated by said irrigation board, at which said election there shall be submitted to the owners of land in said irrigation district the question whether or not the bonds of said district shall be issued in the amount specified in the order of said board, and which amount shall be stated in the order for such special election. For all purposes of this act relating to signing petitions and voting at any election, and for all other purposes where the question of title to land claimed to be owned by such voter or owner is involved, the equalized assessment roll for the year last preceding in each county wherein any land of the said irrigation district is situated, shall be sufficient evidence of ownership of lands in the irrigation district. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may vote without obtaining any special authority therefor. Said irrigation board shall at the time of calling the said election designate in its order the voting place or places at which said election shall be held and where votes shall be cast and shall designate three landholders of the irrigation district to act as a board of election at each voting place.

Special
election.Evidence of
ownership.

Notice of such special election must be given by the irrigation board by posting notice thereof in at least three public places in such irrigation district at least twenty days prior thereto, and also by publishing such notice once a week for the same length of time in some newspaper of general circulation, published in each county in which any portion of said irrigation district may be situated, or if there be no newspaper published in any one of such counties, then in each county wherein such newspaper is published; and such notice must specify the time and place of holding said election and the aggregate face value of bonds proposed to be issued and the names of three landholders of said irrigation district to act as a board of election at each polling place. Affidavits of the publication and posting of such notice must be filed with the secretary of said irrigation board.

Notice.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each acre of real estate owned by him in the irrigation district, such ownership to be determined from the next preceding assessment roll of the county or counties in which the lands of the irrigation district are situated and the irrigation board shall, prior to the election, cause to be prepared and certified and furnished to the board of election at each polling place, a true and correct copy of each of said next preceding assessment rolls so far as such assessment roll applies to any lands within such irrigation district, which said

One vote for
each acre.

certified roll shall be used by the board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the vote of the estates represented by them. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election.

Ballots.

The ballots cast at such election shall contain the words, "bonds, yes" or "bonds, no" and also the name of the person casting the ballot, with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the name of each voter, and, if the ballots be cast by proxy, the name of the person casting it and the number of votes cast by each and whether the same be cast for or against the issuing of bonds.

Oath of election officer.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present, voting individually, may appoint in his place any landholder in the irrigation district. Each member of said board of election must, before entering upon his duties, take and subscribe an official oath, to faithfully perform his duties as an officer of such election, which oath may be administered by any officer authorized to administer oaths, or by a landholder in the irrigation district.

Polls open.

The polls shall be kept open from ten o'clock a.m. of the day of election until five o'clock p.m. of that day.

Canvass of votes.

At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of the bonds to the irrigation board and shall also deliver to the said irrigation board all ballots cast at such election and all documents and papers used at such election.

Order of irrigation board.

Said irrigation board shall, upon the receipt of such canvass and declaration of the result from the said board of election, proceed to examine the same and shall ascertain and declare the result as shown by such canvass and declaration, and shall enter an order in its minutes that the said proposition for the issuance of said bonds has been carried or defeated, as the case may be.

Result recorded.

Forthwith, upon the declaration of the result of said election by said irrigation board, the secretary of said board shall make a certified copy of the order of said board, declaring the result of said election, and shall forward said certified copy or copies to the recorder or recorders of the counties in which any land of said irrigation district may be situated, and the same shall forthwith be filed and recorded in said recorder or recorders' office, and shall impart notice to all interested persons as to the result of said election.

Any person owning property within the said irrigation district, liable to assessment, may contest such election, by filing a written contest specifying the grounds of his objections thereto, with said irrigation board, said written contest to be filed within thirty days after the declaration of the result of said election by said irrigation board, and if no such contest and objections be filed within thirty days, no such contest and objections shall thereafter be received or filed. Such written contest shall specify the ground or grounds of contest to said election, and upon the filing of the same with said irrigation board it shall expeditiously set the said contest for hearing, and shall have the right to postpone the hearing for such time as may be necessary, but not otherwise, and shall expeditiously hear and determine the same. For the purposes of such hearing the board may by subpoena signed by the secretary under its seal compel the attendance of witnesses and the production of evidence. Disobedience of such subpoena or of any lawful order of the board in the premises shall constitute a contempt of the authority of the board punishable by the board in accordance with title five of part three of the Code of Civil Procedure, and shall also constitute a misdemeanor under section one hundred sixty-six of the Penal Code. Said irrigation board shall, upon the conclusion of said hearing of said contest, proceed forthwith to enter its order and decision thereon. Such decision on the part of said irrigation board shall be final, conclusive and binding upon all parties interested as to validity and as to result of such election and shall be subject to review only in the event suit is brought by the said irrigation district or by some person or corporation or association authorized to bring the same to determine the question of the validity of the said bond issue, and in the determination and adjudication of the question of the validity of said bond issue, as hereinafter specified, the court may review and consider the validity of said election for the issuance of said bonds, but in such action the certificate and determination of said irrigation board shall be received and accepted by the court as prima facie evidence of the result as to the validity of said election and the regularity of the canvassing, counting and return of the votes cast at said election. If a majority of the votes cast at such an election is in favor of the issuance of bonds, the irrigation board shall after canvassing the returns and declaring the result of said election cause bonds of said irrigation district in the amount stated in the order for the election to be issued, executed and delivered to the state treasurer of the State of California. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the irrigation board and attested by the secretary thereof, and shall be numbered consecutively in the order of their maturity, and shall bear interest at the rate not exceeding six per centum per annum, payable semiannually on the first day of January

Contest of election.

Hearing.

Decision final.

Bonds issued.

and the first day of July in each year, at the office of said state treasurer. upon the presentation of the proper coupons therefor. Coupons for each instalment of interest shall be attached to said bonds and shall bear the facsimile signature of the state treasurer of the State of California.

Principal.

The principal of said bonds shall be made payable, by an order entered into the minutes of the irrigation board, upon the first day of July or the first day of January, and in such years as the irrigation board may prescribe. Said bonds shall be payable serially within forty years from their date in the manner following, to wit:

Amount payable yearly.

Not less than five per cent of the aggregate face value of the bonds issued shall be payable each year, beginning not later than the twentieth year from their date until the whole amount of said bonds have been paid.

Said irrigation board, subject to the provisions of this act, is authorized and empowered to take all such actions and make all such orders as may be necessary in connection with the issuance, sale and disposition of said bonds.

Form of bonds.

Said bonds may be substantially in the following form:

UNITED STATES OF AMERICA.

STATE OF CALIFORNIA.

No. _____ \$_____
Name of district _____ Irrigation District _____

Organized under California irrigation act of 1919.

(Name of district) Irrigation District, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the state treasurer of the State of California, on the first day of _____, 19____, the sum of \$_____, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of _____ per cent per annum, payable at the office of said treasurer semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of _____ bonds of like tenor and effect, except as to denomination and maturity, numbered from _____ to _____ inclusive, amounting in the aggregate to \$_____ issued in accordance with the California irrigation act of 1919, pursuant to an election held in said district on the _____ day of _____, 19____, authorizing its issuance and is based upon and secured by a lien upon and a valuation and apportionment levied on the land in said irrigation district and filed in the office of the state irrigation board on the _____ day of _____, 19____; and the said district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California

applicable thereto, and that all of the acts and conditions and things required by law to be done precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of such irrigation district bonds.

In testimony whereof, the said irrigation district, acting by and through the irrigation board of the State of California, has caused this bond to be signed by the president of said irrigation board, and attested by the secretary thereof, with his seal of office affixed, this ----- day of -----, 19-----

By-----

President of said board.

Attest:

Secretary of said board.

And the interest coupon may be substantially in the following form:

Form of interest coupon.

No. ----- \$-----

The state treasurer of the State of California will pay to the holder hereof on the ----- day of -----, 19-----, at his office in the city of Sacramento, State of California, the sum of \$----- in gold coin of the United States out of the funds of ----- irrigation district ----- for interest on bond of said irrigation district numbered -----

State treasurer.

The state treasurer shall place the bonds prepared pursuant to this act to the credit of the irrigation district and the irrigation board may in its discretion direct the state treasurer to sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the state treasurer by publication at least once a week for three weeks in a newspaper of general circulation published in the city of Sacramento, and also one or more papers in the county in which the greater portion of said irrigation district is situated, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed the state treasurer shall open the bids and award the bonds to the highest responsible bidder. He may reject any and all bids. Any sale by the state treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the state treasury to the credit of said irrigation district, and a

Sale of bonds by state treasurer.

Action to determine if bonds are legal obligation.

proper record of such transaction shall be made upon his books. At any time after said bonds shall have been delivered to the state treasurer, an action may be commenced in the superior court of the county within which is situated the largest area of land within said irrigation district by the irrigation board in the name of the irrigation district or by any person owning property within the said irrigation district liable to assessment. Such action shall be brought and prosecuted against the lands in said irrigation district and all persons owning the same or interested therein, to have it determined as to whether or not said bonds when sold will be a legal obligation of such irrigation district. It shall be sufficient to describe said lands as all lands in the irrigation district (naming it) without a more specific description. The summons shall be published once a week for three weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such irrigation district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment and said appeal and the hearing thereof shall be expedited in said court. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and all other interested persons.

Warrants.

The irrigation board may draw warrants upon the state treasurer against the funds provided by sale of said bonds.

The money derived from the sale of any of said bonds shall be received by the state treasurer and shall by him be safely kept and placed to the credit of said irrigation district in a fund to be designated in the name of such irrigation district for the said irrigation district and may be drawn and expended upon warrants drawn against said fund as in this act provided.

Bonds legal investment.

Bonds of any irrigation district issued pursuant to the provisions of this act which are investigated and approved by any commission or officer now or hereafter authorized by a law of this state to conduct such approval and by authority of which approval said bonds are declared to be legal investments for savings banks may be lawfully purchased or received in pledge for loans by banks, trust companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state, or of any county, city, city and county or other municipal or corporate body within the state having or holding funds which they are allowed by law to invest or loan.

If after said irrigation district has authorized the issuance and sale of a series of bonds under this act, it shall become necessary so to do an additional bond issue or series of bonds may be authorized and sold and all proceedings shall be had and taken, and all procedure in connection with said second issue or series of bonds shall be had and taken in accordance with the provisions of this act as to the first issue of bonds; *provided*, that said second issue or series of bonds shall not be issued so as to in any manner interfere with the lien or security of the payment of the first issue of bonds, and said second issue or series of bonds shall, as to the lien thereof and as to the security of same, be subsequent and subordinate and subject to such first bond issue.

Additional
bond issue.

SEC. 19. Nothing in this act contained shall affect, or apply to, any irrigation, protection, flood control, conservation, or other improvement district situated wholly or in part within any county which has adopted a charter pursuant to section seven and one-half of article eleven of the constitution of California, ratified and approved as provided therein, prior to June 4, 1915, or within any city and county; and said board shall have no power of jurisdiction within any of said districts or within such counties or city and county.

Not
applicable to
counties with
charter or
city and
county.

SEC. 20. The California irrigation act, approved June 4, 1915, and chapter six hundred forty-six of the statutes of 1917, approved May 28, 1917, amendatory thereof, are hereby repealed; but any petition circulated for signature pursuant to the provisions of said amendatory act and prior to the effective date of this act may be filed as though prepared pursuant to the provisions hereof, and any proceeding initiated under said amendatory act but not completed prior to the effective date of this act, may be completed hereunder, all proceedings subsequent to such effective date, however, to be in conformity with the provisions hereof; and any district organized under the provisions of the acts hereby repealed shall be subject in all respects to the provisions of this act; *and provided, further*, that such repeal shall not affect the tenure of office of the present members of the irrigation board and that neither such repeal nor anything in this act contained shall affect the right of said board to any funds heretofore appropriated for the use of said irrigation board, and all such funds heretofore appropriated shall be used by said board to the extent and for the purposes for which the same were appropriated.

Stats. 1917,
p. 1068,
repealed.

Proceedings
initiated
under
former acts.

CHAPTER 342.

An act authorizing cities of the third class whose corporate limits include or front upon any harbor, channel, estuary or other navigable body of water, to do certain acts necessary or convenient to the establishment, improvement, conduct and maintenance of a harbor; to do certain acts, either within or without the corporate limits of such cities, in furtherance of commerce and navigation; to incur indebtedness to carry out the purposes defined herein and to issue and sell bonds for the purpose of securing funds for the payment thereof.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Harbor im-
provements
in cities of
third class.

SECTION 1. Any city of the third class of this state, whose corporate limits include or front upon any harbor, channel, estuary, or other navigable body of water is hereby granted power to establish, acquire, construct, improve and maintain, in, upon or along the waters of any such harbor, channel, estuary or other navigable body of water, piers, docks, bulkheads, quays, railroads, bridges and other necessary works in connection therewith on property owned by said city. Any such city is further granted power to construct, improve, dredge, deepen or straighten channels, turning basins, canals, slips and waterways to, from and along any of the aforesaid works, and connecting with any other navigable water, either within or without the corporate limits of such city, and to do any and all other things necessary or convenient, either within or without said corporate limits, to the establishment, improvement, conduct and maintenance of a harbor and in furtherance of commerce and navigation.

Authority to
incur indebt-
edness.

SEC. 2. Any such city is hereby authorized to incur an indebtedness for any or all of said purposes hereinabove specified and for the purpose of providing a fund or funds for the payment of such indebtedness, is hereby authorized to issue and sell its bonds therefor.

CHAPTER 343.

An act to validate bonds of the Bellevue-Wilfred drainage district, and all proceedings relating thereto, and making final and conclusive, except as herein provided, the finding as to the result of the election at which said bonds were authorized.

[Approved May 16, 1919. In effect July 22, 1919.]

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

SECTION 1. Bonds in the amount of twenty thousand dollars of the Bellevue-Wilfred drainage district, and all the acts and proceedings of said district leading up to and including the authorizing and issuance of said bonds, are hereby legalized, ratified, confirmed, and declared valid to all intents and purposes, which district was organized under 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 lands embraced within such districts," approved March 20, 1913, as amended. Said bonds were authorized by virtue of an election held in said district on September 27, 1916, at which a majority of the votes cast were in favor of incurring such bonded indebtedness, as found and determined by the board of directors of said district upon canvassing such election returns. Said finding and determination of the result of said election shall be and is hereby determined to be final and conclusive against all persons, except the State of California, upon suit commenced by the attorney general. Any such suit must be commenced within thirty days after this act takes effect and not otherwise.

Bellevue-
Wilfred
drainage
district
bonds
validated.

All said bonds, when issued and sold as in said act provided, shall be and are hereby declared to be legal and valid obligations of said district, and the faith and credit of said Bellevue-Wilfred drainage district is pledged for the prompt payment and redemption of the principal and interest of said bonds, and said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings leading up thereto, and that they were duly authorized at said election.

CHAPTER 344.

An act to amend sections one, two, and 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, and as amended.

[Approved May 16, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 731.

SECTION 1. Section one of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for 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, as heretofore amended, is hereby amended to read as follows:

Majority of
owners may
organize
irrigation
district.

Section 1. A majority in number of the holders of title or evidence of title to lands susceptible of irrigation from a common source and by the same system of works, including pumping from subsurface or other waters, such holders of title or evidence of title representing a majority in value of said lands, may propose the organization of an irrigation district, under the provisions of this act; or the organization of such an irrigation district may be proposed by not less than five hundred petitioners, each petitioner to the number of at least five hundred to be an elector residing in the proposed district or the holder of title or evidence of title to land therein; *provided*, that the said petitioners must include the holders of title or evidence of title to not less than twenty per cent in value of the lands included within the proposed district. The lands proposed to be included within any such irrigation district need not consist of contiguous parcels. Any holder of land under a possessory right acquired by entry or purchase from the United States or the State of California shall be deemed to be a holder of evidence of title to said land within the meaning of this act. The county assessment roll of the county in which any lands included within such proposed irrigation district are situated, which assessment roll has been last equalized at the time of the first publication of said petition as provided in section two of this act, shall be conclusive evidence as to the value of said lands and the holders of title or evidence of title to said lands. If any parcel of land is assessed on any assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, said parcel of land shall be deemed, for any of the purposes of this act, to have but one owner in addition to any owner or owners whose true name or names may be purported

Petitioners
must hold
twenty per
cent in
value of
land

Evidence
of title.

to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest, the holders of title or evidence of title whose undivided interests in any land are not specifically defined shall be deemed to have equal shares therein. Guardians, executors, administrators or other persons holding property in a trust capacity under appointment of court may sign any petition provided for in this act, when authorized by an order of court, which order may be made without notice. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom such petition was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioners under this act.

Holder of
title of
undivided
interest.

SEC. 2. Section two of said act is hereby amended to read as follows: State 1917,
p. 732.

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

Petition to
organize
irrigation
district.

Publication.

need be published, but the names attached to all of said instruments must appear in such publication. On or before the day on which said petition is presented to said board of supervisors, a copy of said petition shall be filed in the office of the state engineer. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration, signed by the petitioner, with the board of supervisors before which the petition is to be presented, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged. When said petition is presented, said board of supervisors shall hear the same and shall proceed to determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board shall be expressed by resolution. If it shall determine that any of the requirements hereinbefore set forth have not been complied with, the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the board of supervisors shall determine that the petitioners have complied with the requirements hereinbefore set forth, it shall cause a copy of the resolution so declaring to be forwarded to the state engineer. Upon receiving a copy of said resolution, the state engineer shall make or cause to be made such preliminary investigation as may be practicable, with a view to determining the feasibility of the project proposed to be undertaken. He shall report as soon as practicable, but at all events within ninety days from the date of the adoption of the said resolution, in writing, on the matter to the board of supervisors from which the copy of said resolution was received, except that upon receiving a written request from the state engineer, the board of supervisors may at any meeting before the expiration of said ninety days grant to the state engineer not more than ninety days additional time in which to make said report. If the state engineer shall report within the time specified herein that the supply of water available for the use of the proposed district, or that may be

Hearing.

Investigation
of state
engineer.Report that
project is
not feasible.

acquired by any practicable means, including the condemnation of existing rights, is not sufficient or that the project is not feasible for any other reason or reasons, the hearing of the matter shall be continued for not more than two months and shall then be dismissed unless the board of supervisors shall be petitioned in writing by three-fourths of the holders of title or evidence of title to land within said proposed district to grant said petition; *provided*, that if the board of supervisors is not so petitioned, it may modify the plans for the proposed district in accordance with recommendations by the state engineer. If after receiving an adverse report from the state engineer the board of supervisors shall be petitioned as aforesaid or shall decide to modify the plans for the proposed district in accordance with recommendations by the state engineer, it shall, at the time to which the hearing of said matter shall have been continued, set a time for the final hearing thereof. If the continuance of the matter is not compelled by an adverse report as aforesaid, the board of supervisors, at its first regular meeting after the receipt of a report from the state engineer, or at the first regular meeting after the expiration of the time allowed for the making of such report if no such report has been received, shall set a time for a final hearing of the matter. In any case the time set for the final hearing as aforesaid shall not be less than one week from the meeting at which said time was set; *provided*, that notice of the time of such final hearing shall be given by registered mail to such party as shall have been designated for that purpose by the petitioners, or by publication for at least three days in one daily newspaper published in the county in which the lands within the proposed district, or the greater portion thereof are situated. A failure to give such last mentioned notice, however, shall not affect the validity of subsequent proceedings. On a final hearing herein provided for, the board may adjourn from time to time, but at no time for a longer period than three days until a determination of the matter is reached. On said final hearing said board shall make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries, but said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed, unless said board shall decide to modify the plan for such proposed district, as herein provided, nor shall any lands which will not, in the judgment of said board, be benefited by irrigation by means of said systems or works be included within such proposed district. Lands already irrigated and riparian lands may be included in the district if in the judgment of the board of supervisors such land will be benefited, or if the water used thereon or the rights to the use of water thereon should, in the judgment of the board of supervisors, be taken or acquired for the district. Any person whose lands are susceptible of irrigation from any of the proposed sources may, upon his application, in the discretion

Final hearing.

Changes in boundaries.

of said board, have such lands included within said proposed district.

Stats. 1897,
p. 256. SEC. 3. Section nine of said act is hereby amended to read as follows:

Canvass
of votes. Sec. 9. The board of supervisors shall meet on the second Monday succeeding such election, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that a majority of all the votes cast are "Irrigation District—Yes," said board shall, by an order entered on its minutes, declare the territory duly organized as an irrigation district, under the name theretofore designated, and shall declare the persons receiving respectively the highest number of votes at said election to be duly elected.

CHAPTER 345.

An act to amend sections six hundred twenty-six, six hundred twenty-six d and six hundred thirty-seven and one-half of the Penal Code, relating to the protection of fish and game.

[Approved May 18, 1919. In effect July 22, 1919.]

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

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

Ducks, etc. 626. Every person who, between the first day of February and the fifteenth day of October, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys, or has in his possession, any kind of wild duck, or goose, or brant, or mudhen, or gallinule, or Wilson snipe; or, who, at any time, takes, kills or destroys, or has in his possession, any rail, or wood duck, or wild pigeon, or any shore bird, except Wilson snipe, or any sandhill crane, whooping crane, or little brown crane; or, who, between the first day of February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys, of any year, hunts, pursues, takes, kills or destroys, or has in his possession, any desert or valley quail; or, who, except in fish and game districts four, nineteen and twenty-one, between the first day of February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys, or has in his possession, any cottontail or brush rabbit; or, who, between the first day of December and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, any mountain quail; or, who, between the fifteenth day of October and the fourteenth day of September, both dates inclusive, of the year following, hunts, pursues, takes, kills, or destroys, or has in his possession, any grouse is guilty of a misdemeanor;

Protection
of game.

Ducks, etc.

Desert or
valley quail.

Rabbits.

Mountain
quail.

Grouse.

or, who, between the first day of October and the fourteenth day of August, both dates inclusive, of the year following, hunts, pursues, takes, kills, or destroys, or has in his possession, any sage hen is guilty of a misdemeanor; *provided*, that in fish and game district number four every person who at any time hunts, pursues, takes, kills, or destroys, or has in his possession, any sage hen is guilty of a misdemeanor; *provided, further*, that in fish and game districts numbers two, three and four, and any fish and game districts lying between the northern boundary of Mendocino county and the southern boundary of San Diego county, every person, who, between the first day of February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any mountain quail is guilty of a misdemeanor.

Sagehens.

Mountain quail.

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

637½. Where the words "predatory animals" occur in this chapter, the following animals only shall be considered predatory animals: The order Insectivora (moles, shrews), the family Canidae (wolves, coyotes, foxes), the family Procyonidae (ringtail cats, coons), the family Mustelidae (martins, fishers, wolverines, weasels, minks, skunks, badgers), the family Felidae (cougars, wild cats, jack rabbits), the order Rodentia (rats, mice, gophers), except the families Scuiridae and Petauristidae (tree squirrels, flying squirrels), the black-tailed jack rabbit of the order Lagomorpha; the cottontail rabbit and the brush rabbit of the family Leporidae in fish and game districts four, nineteen and twenty-one; and the following species of birds: blue jays, English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk and house finch, commonly known as California linnnet.

"Predatory animals."

SEC. 3. Section six hundred twenty-six *d* of said code is hereby amended so as to read as follows:

626*d*. Every person who, during any one calendar day, hunts, takes, kills, pursues or destroys, or has in his possession, more than twenty-five wild geese (except honker geese and black sea brant) or wild ducks, or more than twelve honker geese or black sea brant, or more than fifteen desert or valley quail, or doves or black breasted and golden plover or jack snipe or yellowlegs, or more than ten mountain quail, or more than four grouse, or more than four sage hens, or more than fifteen cottontail or bush rabbits except in fish and game districts four, nineteen and twenty-one, is guilty of a misdemeanor; *provided, also*, that any person who, between sunrise of one Sunday and sunrise of the following Sunday, takes, kills, destroys or has in his possession, or buys or sells or offers for sale, or ships or offers for shipment, more than fifty wild geese (except honker geese, black sea brant) or more than fifty wild ducks or more than twenty-four honker geese or black sea brant, is guilty of a misdemeanor; *provided, further*, that any person who, between sunrise of one Sunday and

Limit of game.

Limit of
game.

sunset of the following Sunday, takes, kills, destroys or has in his possession, or ships, or offers for shipment, more than thirty valley or desert quail, jack snipe, yellowlegs, golden plover, or black breasted plover, or more than twenty mountain quail, or more than eight grouse, or more than eight sage hens, or more than thirty cottontail or bush rabbits except in fish and game districts four, nineteen and twenty-one, is guilty of a misdemeanor.

CHAPTER 346.

An act to amend section one thousand one hundred fifteen of the Political Code, relating to the index to registration books.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one thousand one hundred fifteen of the Political Code is hereby amended to read as follows:

Index to
registration
books.

1115. Within five days after the binding of said books by precincts the clerk shall prepare an index of each book, said index to contain the numbers, names, occupations and addresses, as they appear in said books. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. The clerk shall have at least forty copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding twenty, as the governing body of such municipalities shall by resolution require. The county clerk shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county or upon written demand of his campaign committee, one copy of a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference. He shall also transmit one copy of said general index to the state librarian at Sacramento.

Number
of copies.

Index
furnished to
candidates.

Indexes for
primaries.

One copy to
state
librarian.

CHAPTER 347.

An act to amend sections two hundred seventy-six, two hundred seventy-seven, two hundred seventy-nine of the Code of Civil Procedure, and to add a new section to the Code of Civil Procedure to be numbered two hundred seventy-six a, all relating to admission to practice as attorney and counselor at law, and repealing all other acts or parts of acts in conflict herewith.

[Approved May 18, 1910. In effect July 22, 1910.]

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

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

276. Every applicant for admission as an attorney and counselor must present to the district court of appeal of the appellate district in which he resides satisfactory testimonials of good moral character, together with satisfactory proof that for at least three years he has diligently and in good faith studied law in such manner, upon such subjects and under such conditions as the supreme court or the board of bar examiners shall have prescribed. Before being admitted he must produce a certificate showing that he has satisfactorily passed an examination conducted by the board of bar examiners.

Qualifications for admission as attorney and counselor.

Applicants must apply for admission to the district court of appeal of the appellate district in which they reside; *provided*, that a person may make application and be examined and admitted in another appellate district upon filing with his application a written statement showing good cause therefor, satisfactory to the court to which he applies, accompanied by the written consent of the presiding justice of the appellate district in which he resides.

SEC. 2. A new section is hereby added to the Code of Civil Procedure to be known as section two hundred seventy-six a, to read as follows:

276a. The supreme court is empowered to appoint three competent attorneys to examine applicants for admission as attorneys and counselors at law. Such persons shall constitute the board of bar examiners. The said board shall hold examinations for admission to the bar of applicants who have regularly filed their applications and paid all necessary fees, upon such subjects, and at such times and places as the supreme court or said board may, by its rules or orders direct; *provided*, that said examinations shall be wholly or in part written examinations. The examinations may be conducted by two members of the board. Said board shall issue a certificate to each of said applicants who shall satisfactorily pass such examination and who shall satisfy said board as to his

Board of bar examiners.

moral character. Nothing herein shall be construed as preventing the district courts of appeal from further examining any applicant where deemed proper.

Fees.

In addition to any fee prescribed by law for certificate of admission of attorney or counselor, every applicant for examination shall pay to the clerk of the district court of appeal to which he presents his application, as a fee for such examination, the sum of fifteen dollars. Such fees must be paid into the state treasury to the credit of the bar examinations fund and accounted, settled and charged for, in the same manner as provided by law for other fees collected by said clerk. A bar examinations fund is hereby created for the salaries and expenses of said board of bar examiners, which fund is under the control of the supreme court. Upon the order of the supreme court the controller must without approval of any board, draw his warrant upon the treasurer for the amount specified, and in favor of the person designated in such warrant, which warrant must be paid out of such fund exclusively. Unused balances, if any, in such fund may be transferred to the general fund, from time to time, upon the order of the supreme court.

Bar examinations fund.

Salary of members of board.

Each of the members of said board shall receive for his services annually a sum not to exceed one thousand dollars, to be fixed by the order of the supreme court, payable at such times as the supreme court may direct, together with necessary traveling and incidental expenses, including clerical assistance, all of which shall be paid exclusively out of the fees of applicants for examination as hereinbefore provided.

Persons ineligible on board.

No person who is engaged in the teaching of law or who is connected with any law school, either in a teaching or an administrative capacity, shall during such employment be eligible as a member of said board or in any employment under said board.

Term of office.

The members of said board shall hold office during the pleasure of said supreme court, and all vacancies therein shall be filled by said court.

Certificate of admission.

SEC. 3. Section two hundred seventy-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

May practice in all courts.

277. Upon presentation to it of the evidence required by section two hundred seventy-six, any district court of appeal shall admit the applicant as an attorney and counselor at law in all the courts of this state, and shall direct an order to be entered to that effect upon its records, and that a certificate of such admission be given to him by the clerk of the court, which certificate shall be his license. Every person admitted to practice by a district court of appeal, either upon examination or otherwise, may practice as an attorney in all of the courts of this state, including the supreme court; and every person now entitled to practice in the supreme court of this state may practice as an attorney in any district court of appeal.

SEC. 4. Section two hundred seventy-nine of the Code of Civil Procedure is hereby amended so as to read as follows:

279. Every citizen of the United States, or person resident of this state, who has, bona fide, declared his intention to become a citizen in the manner required by law, who has been admitted to practice law in the highest court of a sister state, or of a foreign country, where the common law of England constitutes the basis of jurisprudence, and who has been engaged in actual practice in such state or foreign country for a period of at least three years, may be admitted to practice in all the courts of this state, by any district court of appeal, upon the production of his license, and satisfactory evidence that his license has not been revoked and that he is of good moral character, and that he has been so engaged in actual practice in such state or foreign country for a period of at least three years; but the court shall before admitting any such person to practice require an investigation and report by the board of bar examiners as to his moral and other qualifications, unless the court shall otherwise direct in a particular case.

Attorneys of other states.

SEC. 5. All acts or portions of acts inconsistent with this act are hereby repealed.

Repealed.

CHAPTER 348.

An act to amend sections one, five, six, and seven of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, and to add thereto a new section to be numbered seven a.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. Section one of the act entitled "An act to amend sections one, five, six, and seven of an act entitled 'An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act,' approved June 8, 1915," is hereby amended to read as follows:

Stats. 1915, p. 1238.

Section 1. All persons, firms, corporations, copartners or individuals engaged in the business of public weighing for hire, or any person, firm or corporation, who shall weigh or measure any commodity, produce, or article, and issue therefor a weight certificate which shall be accepted as the accurate weight upon

Public weighmaster.

Bond. which the purchase or sale of such commodity, produce or article, is based, shall be known as a public weighmaster, and shall file a bond with the state superintendent of weights and measures in the sum of one thousand dollars for the faithful performance of his duties, and shall obtain from the state superintendent of weights and measures a seal for the stamping of weight certificates hereinafter provided for, which shall only be

Exemptions. in such form as such superintendent may prescribe; *provided*, that nothing in this act shall apply to any scales, or to the owner or lessee thereof, which are situated wholly outside of any incorporated city or town, except where said scales are being used in the weighing of any commodity which has been or is being purchased by the owner or lessee thereof, which are being used in the weighing of any commodity intended for storage for which a storage charge is made.

Seals. (a) The said seals shall be the property of the state and shall be forfeited and returned to the state superintendent of weights and measures upon termination of the performance of the duties herein prescribed as being the duties of a public weighmaster. Such seal shall be of a form and design prescribed by the state superintendent and furnished by him at the expense of the weighmaster. Said seal shall be a recognized authority of accuracy when applied to weight certificates.

Stats. 1915, p. 1290. SEC. 2. Section five of said act approved June 8, 1915, is hereby amended to read as follows:

False or Incorrect statements. Sec. 5. Any person, firm, corporation, who shall request the public weighmaster, or any person employed by him to weigh any product, commodity, or article falsely or incorrectly, or who shall request a false or incorrect state certificate of weight and measure, or any person issuing a state certificate of weights and measures who is not a public weighmaster as provided for in this act, shall be guilty of a misdemeanor.

Stats. 1915, p. 1290. SEC. 3. Section six of said act approved June 8, 1915, is hereby amended to read as follows:

Reweighing in case of doubt. Sec. 6. When doubt or differences arise as to the correctness of the net or gross weight of any amount or part of any commodity, produce, or article for which a state certificate of weights and measures has been issued by a public weighmaster, the owner, agent, or consignee may, upon complaint to the state superintendent of weights and measures, or his deputy, have said amount or part of the amount of any commodity, produce, or article, reweighed by the state superintendent of weights and measures, or a public weighmaster designated by him, upon depositing a sufficient sum of money to defray the actual cost of reweigh with the state superintendent of weights and measures. If, on reweighing, a difference in the original weight is discovered as the result of fraud, carelessness, or faulty apparatus, the cost of reweighing shall be borne by the public weighmaster responsible for the issuance of such faulty state certificate of weights and measures. All public weighmasters employing or designating any person to

Deputy weighmasters.

act for them as deputy public weighmaster, shall be responsible for all acts performed by such person, and the public weighmaster shall forward to the state superintendent of weights and measures the name and address of persons so appointed.

SEC. 4. Section seven of said act approved June 8, 1915, is hereby amended to read as follows: Stats. 1915,
p. 1290.

Sec. 7. All amounts, lots, shipments, or consignments of products, after having been weighed, shall be piled or stored separately, as near as can be, or in some manner marked in order that said amounts, lots, shipments, or consignments may be distinguished from each of a like kind. When any product is sold subject to public weighmaster weights, such weight shall be the true net weight of the product. Net weight within the meaning of this act shall be the correct or actual weight of the commodity excluding the weight of the container. Lots shall
be piled
separately.

SEC. 5. A new section is hereby added to said act approved June 8, 1915, to be numbered seven *a*, and to read as follows:

Sec. 7*a*. Any person violating any of the provisions of this act shall be guilty of a misdemeanor. Penalty.

CHAPTER 349.

An act to amend section four of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. Section four of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended, is hereby amended to read as follows: Stats. 1915,
p. 1513.

Sec. 4. The map or plat so made, indorsed and acknowledged shall be submitted to the governing body of the city, city and county, or county having control of public highways in the territory shown on such map or plat, for the approval of such governing body before such map or plat is filed for record in the recorder's office; *provided*, that said map or plat shall not be accepted or approved by such governing body unless the same is accompanied by a certificate of the county surveyor Approval of
map by city
or county
governing
body.

Certificate of
examination
as to value
of territory.

and county assessor, if such tract or subdivision of land lies in unincorporated territory, or city engineer, if such there be, and the city assessor of any incorporated city or town, in which the whole or any part of such tract or subdivision of land is situated, showing that each and every lot and block therein has been carefully examined as to its value for residence or commercial uses with their suggestions and recommendations to such governing body; *and provided, further*, that whenever such tract or subdivision of land lies within an incorporated city or town, the map or plat thereof shall first be submitted by the governing body thereof to the city planning commission, if such there be, of such city or town, or, if there be no city planning commission, to the city engineer, if such there be. Said city planning commission, or city engineer, shall report thereon to the governing body within ten days after receipt of said map or plat. If such tract or subdivision of land is in unincorporated territory but within three miles from the exterior boundaries of any city or town, the map or plat thereof shall first be submitted by the county board of supervisors to the city planning commission, if such there be, or to such city engineer as above provided of the city or town lying nearest to such tract or subdivision of land, whereupon such commission shall make an examination of such map or plat and submit a report thereon with its suggestions and recommendations to the governing body of the municipality. Said governing body shall thereupon submit a report thereon, with its suggestions and recommendations to the said county board of supervisors. Such governing body after considering the report of the city planning commission, or the city engineer, as the case may be, and said county board of supervisors, after considering the report of said governing body, shall approve or disapprove such map or plat within thirty days after the same is submitted to it as above provided. In the event of the failure, refusal or neglect of said city planning commission, or city engineer to so report within said ten days to the said governing body it shall then be the duty of said commission or city engineer to forthwith transmit said map or plat to said governing body for its action thereon. In the event of the failure, refusal or neglect of said governing body to so report to said county board of supervisors within twenty days after said county board has so filed said map or plat with said city planning commission, or city engineer, it shall then be the duty of said governing body to forthwith transmit said map or plat to said county board of supervisors for its action thereon. If approved, the said governing body or board of supervisors shall indorse, or cause to be indorsed, on said map or plat its approval of the same. Without such approval the said map or plat shall not be filed for record or be recorded. Such governing body may require the public highways, if any, offered for dedication by said map or plat and the parcel or

Highways to
conform to
those
surrounding.

parcels of land, if any, therein reserved or indicated for highway or right of way purposes, and not offered for dedication to public use, to be as wide as and to conform, as near as practicable, to the adjoining, surrounding or neighboring streets or highways of said city, city and county, or county. If such map or plat offers for dedication any highways said governing body or board of supervisors shall indorse thereon which of the highways so offered for dedication are accepted on behalf of the public, and thereupon such highways which have been so accepted, and no others, shall be and become dedicated to the public use.

CHAPTER 350.

An act adding a new section to the Code of Civil Procedure to be numbered eight hundred fifty-seven a, providing affirmative relief on a counter claim.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section to be known as eight hundred fifty-seven a is hereby added to the Code of Civil Procedure to read as follows:

857a. Affirmative judgment may be rendered for the defendant on his cross-complaint whenever the defendant proves that he is entitled to more than the plaintiff has proven or whenever the plaintiff fails to prove that he is entitled to any judgment.

When affirmative judgment may be rendered to defendant.

CHAPTER 351.

An act to amend section three thousand eight hundred seventeen of the Political Code, relating to redemptions of lands sold to the State of California for delinquent taxes.

[Approved May 18, 1919. In effect July 22, 1919.]

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

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

3817. In all cases where real estate has been sold, or may hereafter be sold 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

When former owners may redeem lands sold for delinquent taxes.

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 July first following 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 July first following the date 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.

When state's title ceases.

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 the same to the tax collector and recorder; 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.

Record of controller's receipt.

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.

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

CHAPTER 352.

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

[Approved May 18, 1919. In effect July 22, 1919.]

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

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

626. Every person who between the first day of February and the fifteenth day of October, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any kind of wild duck, or goose, or brant or mud hen or gallinule, or Wilson snipe; or who, at any time hunts, pursues, takes, kills or destroys or has in his possession any rail, or wood duck or wild pigeon or any shore bird, except Wilson snipe, or any sandhill crane, whooping crane or little brown crane; or who, between the first day of February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any desert or valley quail, or cottontail or brush rabbits; or who, between the first day of December and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession any mountain quail; or who, between the fifteenth day of October and the fourteenth day of September, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession any grouse; or who, between the first day of November and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any dove is guilty of a misdemeanor; or who, between the first day of October and the fourteenth day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any sage hen, is guilty of a misdemeanor; *provided*, that in fish and game district four every person who at any time hunts, pursues, takes, kills or destroys or has in his possession, any sage hen is guilty of a misdemeanor; *provided, further*, that in fish and game districts numbers two, three, and any fish and game districts lying between the northern boundary of Mendocino county and the southern boundary of Ventura county, every person, who, between the first day of

Application.

Protection of game.

Ducks, etc.

Desert or valley quail.

Rabbits.

Mountain quail.

Grouse.

Doves.

Sagehens.

Mountain quail.

Quail.

February and the fourteenth day of November, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession, any mountain quail is guilty of a misdemeanor; *provided, further*, that in fish and game districts number four and number four and one-half every person who between the first day of January and the fifteenth day of October, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any desert, valley or mountain quail is guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit the hunting, pursuing, taking, killing or destroying of any cottontail or brush rabbit by the owner or tenant of any premises, or by any person authorized in writing by such owner or tenant, but the rabbits so hunted, pursued, taken, killed or destroyed shall not be shipped or sold during the closed season.

Rabbits on owner's premises.

Repealed.

SEC. 2. Section six hundred twenty-six *a* of the Penal Code is hereby repealed.

CHAPTER 353.

An act to add a new section to the Code of Civil Procedure to be numbered nine hundred a, relating to correcting and setting aside judgments in justices' courts.

[Approved May 18, 1919. In effect July 22, 1919.]

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

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

Correction of clerical mistakes in judgment.

900*a*. The justice shall have power upon motion of the injured party and notice to the adverse party to correct any clerical mistakes in his judgment as entered, so as to conform to the judgment ordered. Said justice shall have power to set aside any void judgment upon motion of either party to the action after notice to the adverse party, and thereupon said action shall be treated as if no judgment had been entered

CHAPTER 354.

An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. Whenever twenty or more property owners or the owners of a majority of the land within a district proposed to be organized under this act, which district contains a body of wet, swamp or overflowed lands, susceptible of drainage by a ditch or drain or a system of ditches or drains, and which said district is to be benefited by the construction of any improvements contemplated by this act, shall file with the board of supervisors of the county in which said lands are situated, a petition for the establishment of such ditch or drain, or system of ditches or drains, for the draining of said body of lands, defining the boundary of the district proposed to be benefited and defining the boundaries of such body of lands to be drained and giving a general description and approximate location of such ditch or drain, or system of ditches or drains, and shall give said board of supervisors a good and sufficient bond, in an amount to be determined by said board, for the payment of all costs that may accrue; *provided*, said petition shall not be granted, said board shall, within thirty days after the filing of said petition, appoint a day for the hearing of the same, which shall be not less than fifteen nor more than forty days after such appointment; and shall, also, cause to be published in some newspaper published and having a general circulation in the county, a copy of said petition, together with a notice by the clerk of said board of the time and place set for hearing said petition; said publication shall be at least once each week in a daily or weekly newspaper and for at least two weeks next preceding the time set for said hearing.

Petition for establishment of drainage system.

Hearing.

SEC. 2. Whenever a portion of the lands in the district proposed to be formed hereunder, and to be benefited thereby, lie within the boundaries of more than one county, the petition shall be presented to the board of supervisors of the county within which lie the greatest portion of lands of the proposed district, signed by at least ten property owners or the owners of a majority of the land of the district within each of the counties to be affected, which petition shall set forth and particularly describe the proposed boundaries of such district, and all other matters required by section one hereof.

When lands lie within more than one county.

Said board of supervisors of the county within which lie the greatest portion of the lands of the proposed district shall have jurisdiction to proceed as in the manner herein provided, and

Jurisdiction.

the officers of said county having jurisdiction, shall, as provided in this act, be the officers of said district and shall have the powers and duties herein provided. The several notices in this act provided to be given or published shall, wherever possible, be respectively given or published in the manner prescribed, within the boundaries of the several counties respectively.

Payment of assessments by counties.

Upon filing with the recorder and tax collector of said counties of the certified copy of the plat and report of the engineer of construction and the order of said board levying the special assessments as hereinafter provided, said county or counties other than the county having jurisdiction shall each year collect and pay over to the county having jurisdiction, the total amount of the assessments levied for said year upon the lands within their respective boundaries as levied in said report of the engineer of construction and adopted by the order of the board of supervisors of the county having jurisdiction. Thereafter all costs of every nature which 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.

When part of municipality included.

Whenever a portion of any ditch or drain or system of ditches or drains for the drainage of any such body of wet, swamp, or overflowed lands will cross or run along the boundary line of any municipal corporation, or when said board of supervisors find that adjacent territory within a municipality will be benefited by such work or improvement, such adjacent territory may be included within the boundaries of such proposed district. Any such territory included within a district formed under this act shall be subject to its provisions. Any work of any improvement herein contemplated to be done may be done either within or without the boundaries of the district organized therefor as may be necessary properly to drain by a ditch or drain or a system of ditches or drains any body of wet, swamp or overflowed lands within said district.

Action on petition.

SEC. 3. The board of supervisors shall, in its discretion, in conclusion of the aforementioned hearing and as a sufficient determination of all questions arising at said hearing, by resolution to be entered upon its minutes, grant or deny said petition. Said petition shall not be granted unless the public health, safety, convenience or welfare will be promoted by the organization of such district. If said petition is granted the resolution granting the same shall so state. If the petition includes any portion of an incorporated municipality, as provided in section two of this act, the board of supervisors shall by resolution find that said portion of said incorporated municipality will be benefited thereby.

Duty of county surveyor.

SEC. 4. The county surveyor shall be the engineer of construction of said district and his deputies shall be deputy engineers of construction. He shall cause the surveying and other necessary engineering work under this act to be done, and shall

survey and measure the work to be done, and shall estimate the costs and expenses thereof, and furnish all plans and specifications, and do all acts appertaining to the duties of the engineer of construction. Every certificate signed by him or by any of his deputies shall be prima facie evidence of the truth of its contents. He shall as in other cases keep a record of all surveys made under the provisions of this act. The board of supervisors may appoint a consulting engineer to assist the engineer of construction, or an attorney for the district, or both, should said board deem it for the best interests of the district. The compensation of said consulting engineer and of said attorney, if appointed, or the rate, or basis for computing the same shall be fixed and stated in the resolution of appointment, which said resolution shall be entered in the minutes of the board of supervisors.

Consulting engineer, attorney.

SEC. 5. Before the passing of any resolution of intention under this act, plans and specifications for work substantially the same as that described in the petition for the establishment of said district, and for a district substantially the same as that described in said petition, shall be prepared by the engineer of construction. If the work to be constructed is of such a nature and in such location as to be within the jurisdiction of the state reclamation board, the approval of that said board shall be obtained before the plans are adopted.

Specifications.

Approval by state reclamation board.

Said specifications shall include an estimate of the aggregate amount of the cost and incidental expenses of the work and the cost of the proceedings and shall be signed by the engineer of construction and be filed with the clerk of the board of supervisors.

SEC. 6. Before ordering any work to be done under this act, the board of supervisors shall pass a resolution of intention so to do. Such resolution may in form, and shall in substance, be as following (filling all blanks):

Resolution of intention.

In the matter of drainage district improvement No.

Resolution of Intention No. (both numbers being that of the district).

Resolved. That it is the intention of the board of supervisors of the county of State of California, proceeding under and by virtue of the drainage district improvement act of 1919, and in the matter of drainage district improvement district No. (the number being that of the district), on the day of, 19...., at the hour ofm. of that day, or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done, as follows: (here insert a description of the work, stating the territorial extent thereof with all reasonable exactness, and other particulars generally, yet so as to indicate fairly and approximately its probable cost), the said work to be done in accordance with the plans and specifications therefor filed with the clerk of said board on the day of, 19...., except as the boundaries of the district and the plans and specifications may be changed at the hearing hereinafter

Resolution of intention.

provided, which plans and specifications are made a part hereof, and to which all persons are referred for further particulars. For the cost and incidental expenses of the work and the cost of the proceeding, bonds will be issued in the total amount thereof, due and payable in ----- annual installments bearing interest at the rate of ---- per cent per annum, payable semiannually, all in gold coin of the United States.

A special fund for the payment of said bonds and interest thereon, to be designated drainage district improvement No. ---- (the number being that of the district) interest and sinking fund, is to be constituted by the levy and collection of special assessment taxes upon all land within a district to be known as "drainage improvement district No. ---- of the county of -----,"

Such district (as proposed) being all that territory in the county or counties of -----, State of California, within exterior boundaries as follows, to wit: ----- (the blank to be filled with a careful statement of the exterior boundaries of the district.)

Notice is hereby given that at the time herein specified for ordering the work, the matter of said drainage district improvement No. ---- will come up for hearing, and all objections which under the provisions of said drainage district improvement act of 1919, are entitled to be heard or determined, will then be heard and determined, and the boundaries of said district and the plans and specifications will be then finally determined and established.

The ----- (here insert name and character of newspaper. If the district include lands within more than one county, as provided in section two, a newspaper, if any, published in each county, shall be designated) is (or are) hereby designated as the newspaper (or newspapers) for making publication of this resolution and for making all other publications in the proceeding.

The county surveyor is hereby appointed to superintend the work of said improvement.

The foregoing resolution was, on the ----- day of -----, 19----, passed by the board of supervisors of the county of -----, State of California.

Attest:

-----,
Clerk of the board of supervisors of said county of

-----,
By -----, deputy clerk.

Publication and posting of resolution.

SEC. 7. Such resolution of intention shall be filed, and be published by at least two insertions in the newspaper or newspapers therein designated, which shall be a newspaper or newspapers published and circulated in the county or counties, or, if there be no such newspaper, then in any newspaper designated by said board of supervisors in such resolution. Printed copies of such resolution, headed, "Notice of drainage district

improvement," such heading to be in letters not less than one inch in height, shall, by the engineer of construction, be posted along the line of work described in said resolution, at a distance of not more than three hundred feet apart, but not less than three notices in all. Affidavits by the person so publishing or posting, in proof of such publication and posting, shall be filed with the clerk of the board of supervisors. When, before the day of the hearing specified in the resolution of intention, twenty days, including Sundays and holidays, have elapsed since the posting and the first publication (they need not be simultaneous) of the resolution of intention, the board of supervisors shall have acquired power to proceed with such hearing and to act in the proceeding as herein authorized. The determination of the board of supervisors to proceed with such hearing, whether evidenced by an express declaration or by its proceeding with the hearing, shall be prima facie evidence of the existence of all the facts upon which the power of the board to proceed depends, except such as are required to appear of record in the proceeding, and except, also, in so far as rebutted by the record in the proceeding.

Affidavit of
publication.

SEC. 8. At any time before the day in the resolution of intention specified for ordering the work and the hearing of the matter, any property owner may, alone or with other property owners, file with the clerk of the board of supervisors written objection to the ordering of the work, as an entirety but not merely to some part thereof, as described in the resolution of intention; *provided*, that the objection of any person who ceases to be such property owner before the day of said hearing shall not then be heard. Property owners within the meaning of this act are those and those only, who own property which will be liable to assessment hereunder, and an executor or administrator shall be deemed representative of his decedent, and a trustee of an express trust in land other than as security for the payment of money, of the land so held in trust, and a trustee in bankruptcy, of the bankrupt.

Objections.

Next after in order of hearing, the board shall proceed to hear such objections as may be made to the plans and specifications, and then such objections as shall be made to the boundaries of the district as set forth in the resolution of intention. Objection to the plans and specifications or to the boundaries of the district may be made by any property owner upon the hearing without filing any written statement thereof. The hearing may be continued from time to time by the board of supervisors by an order to be entered in the minutes of the board.

SEC. 9. The board of supervisors shall in conclusion of the aforementioned hearing, and as a sufficient determination of all questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding determining, in its discretion, either that the work shall be ordered or that all

Finding of
board.

proceedings shall be abandoned. If said board determines that said work shall be ordered it shall further determine the boundaries of the district and finally approve the plans and specifications. If no changes be made in the boundaries of the district as set forth in the resolution of intention, it shall be sufficient to state that the boundaries of the district are those set forth in the resolution of intention; if any change of such boundaries is made, the boundaries of the district, as finally determined, shall be fully set forth. If no change be made in the plans and specifications, it shall be sufficient to state that such plans and specifications are approved. In either case, the boundaries of the district so determined shall be the boundaries of the district for all purposes of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and discharged; the plans and specifications so approved shall be the plans and specifications of the district for all the purposes of proceeding. The boundaries of the district, as set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within the boundaries as set forth in said resolution, nor so that the place or locality of any work as finally approved and originally planned to be within the district shall be excluded from the boundaries of the district as finally determined. In like manner the board of supervisors may order the work to be done, and if it so do, shall fix a time for receiving proposals or bids for doing the work, and direct the clerk to give notice, inviting sealed proposals or bids. Such notice shall include a statement that the work is to be done under the provisions of the drainage district improvement act of 1919, and according to the plans and specifications on file, except in so far as such plans and specifications were changed by the board of supervisors in conclusion of the hearing in said act provided; to which said act, to the resolution of intention and all proceedings had thereunder the attention of bidders is hereby directed, and which are by this reference made part of this notice.

Boundaries.

Notice
inviting
sealed
proposals.Publication
of notice.

SEC. 10. The notice inviting sealed proposals or bids shall be published by at least two insertions in the newspaper or newspapers designated in the resolution of intention, and (though it need not be simultaneously) a copy or copies of the same shall be posted and kept posted for five days, at or near the chamber door of the board of supervisors. All proposals or bids shall be accompanied by a check, payable to the county, certified by a responsible bank in an amount not less than ten per cent of the aggregate of the proposal or bid, or by a bond in such amount running to the county, signed by the bidder, with two sureties qualifying before an officer competent to administer oaths, each in said amount over and above all statutory exemptions, or executed by some bonding company acceptable to said board of supervisors. Said proposals or bids shall be delivered to the clerk of said board.

SEC. 11. Said board shall, in open session, open and examine and declare the same. No proposal or bid shall be considered unless accompanied by such check or such bond in terms satisfactory to the board. The board may reject any and all proposals or bids should it deem it for the public good, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work to the lowest responsible bidder at the price named in his bid.

Award to
lowest
bidder.

A notice of such award, attested by the clerk of the board of supervisors shall be transmitted to the successful bidder by mail by the clerk of the board of supervisors, and shall also be published and posted in the manner herein provided as to the notice inviting proposals or bids.

Notice of
award.

The check or bond accompanying such accepted proposal or bid shall be kept by the clerk of said board until the contract for doing said work, as hereinafter provided, has been entered into. Checks or bonds of unsuccessful bidders shall be returned by the clerk of said board. If said successful bidder fails, neglects or refuses for fifteen days after being awarded the contract to execute the same, the certified check accompanying his bid, and the amount thereof shall be declared forfeited to the county, and may be collected by it and paid into the interest and sinking fund of the district, and any bond forfeited may be prosecuted, and the amount thereof collected and paid into said fund.

Before being entitled to a contract the bidder to whom the award thereof has been made must advance and pay to the clerk of the board of supervisors, the costs and expenses of publishing and posting the resolutions, notices and orders required under this act to be made, which have been made, given, posted or published in the proceeding.

Bidder to
pay expenses
of publishing
resolutions,
etc.

If for fifteen days after being awarded the contract, the awardee fails, neglects or refuses to execute the same, the board of supervisors may direct the clerk of the board to give notice as in the first instance, inviting sealed proposals or bids, and thereupon, after receiving bids shall award as in the first instance; and as in the case of the default of a first awardee, so also in the case of a second or any subsequent awardees.

SEC. 12. After adopting said plans and specifications as hereinabove provided, and before executing a contract for the construction of the improvement, the board of supervisors shall direct the engineer of construction to estimate the total cost of making the proposed improvements and performing such proposed work (which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out said work and improvements), and to assess the same in proportion to the benefits thereof to the lands in said district, and to do all things proper and necessary to carry out the provisions of this act.

Estimate
of cost of
work.

Said engineer of construction shall proceed to view the lands within the district and may examine witnesses under

Assessment
of benefits.

oath. He shall proceed to assess against the land within said district the estimated amounts of the cost of the proposed work or improvement and the expenses incident thereto, in proportion to the benefits to be derived from said work or improvement so far as he reasonably can estimate the same, including in such estimate of benefits the real property of any railroad company within said district, if such there be. He shall state the amounts to be assessed on each parcel of land separately, and shall divide the total assessment on each parcel of land into yearly installments of amounts clearly sufficient to retire the bonds and to pay the interest thereon for each year that said assessment shall continue.

In estimating the total cost and expenses of doing said work, the engineer of construction shall be governed by the amount he deems necessary to pay the principal and interest on bonds to be issued therefor as herein set forth and all incidental expenses to be incurred as herein authorized. Such estimate shall be based upon the amount bid by the successful bidder for doing the work as set forth in the plans and specifications together with an estimate of the incidental expenses to be incurred.

Report to
board.

The engineer of construction having made his assessment of the benefits, shall with all diligence, and before the board of supervisors declares the work to have been completed, make a written report thereof to, and file the same with, said board, and shall accompany said report with a plat of the district showing the relative location of each block, lot or portion of lot, or other piece of land and its dimensions so far as he can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land affected or assessed shall be designated and described in said plat by an appropriate number and a reference to it by such descriptive number shall be sufficient description of it in all respects. Said report of said engineer of construction shall also state the names of the persons owning lands over which a right of way for said improvement has been obtained, as well as the name of any lessee, encumbrancer, or other person having an interest in said land over which a right of way has been obtained, together with the particulars of their interest therein, and together with a waiver of any interest they may have had in said land so obtained for said right of way. Errors in the designation of the owner or owners of any land or improvement or any interest therein, or of the particulars of their interest, shall not affect the validity of the assessment.

Notice of
hearing on
report.

The report of such engineer of construction and the affidavit accompanying it shall be filed with the clerk of the board of supervisors, and said board shall thereupon fix a time for the hearing thereon, and thereupon the clerk of said board shall give notice of said hearing by publication once each week for at least three weeks prior to the time fixed for said hearing, in the newspaper or newspapers designated in the resolution of

intention. Such notice shall be substantially in the following form:

Notice of the filing of the report of the engineer of construction of drainage improvement district No. ---- (the number being that of the district) of the county of -----

Notice is hereby given that the engineer of construction of drainage improvement district No. ---- (the number being that of the district), did on the ----- day of -----, 19----, file his report of the assessment of benefits in said district with the clerk of the board of supervisors of said county, which said report is now on file in the office of the said board of supervisors in the city of -----, of said county, and that said report will be heard by said board at its chamber on the ----- day of -----, 19----, 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 and place fixed for said hearing, why such report should not be adopted and confirmed by said board, and why the several parcels of land referred to in said report should not be assessed for said improvement as therein set forth. All objections shall be in writing, signed by the person objecting, and filed with the clerk of said board at least one day prior to the time fixed for the hearing of said report.

Objections.

Signed, -----

Clerk of the board of supervisors, ----- county.

Any property owner may file with the clerk of said board at least one day before the time fixed for the hearing, a written objection to said report, or to any part thereof, to the assessment as a whole or to the assessments on the several parcels of land, as set forth in said report. At the time fixed for such hearing or at any time to which the hearing may be adjourned, the board of supervisors shall hear and pass upon all objections so filed, and shall proceed to pass upon said report and the assessments therein contained, and may confirm, correct or modify the same, or may direct the engineer of construction 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 an original report. The action of the board upon the report and objections thereto shall be final and conclusive as to all matters therein, 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 notice of the hearing of the report has been given as herein prescribed. The board of supervisors shall, upon the adoption of said report, by order entered upon its minutes, levy against and upon all lands within said drainage improvement district No. ---- (being the district as established and bounded in the order for the work to be done) a special assessment upon the lands found to be benefited by such improvement in the

Hearing.

Action of board.

Levy of special assessment.

Levy of
special
assessment.

amount set forth in the said report of the engineer of construction as adopted by the board of supervisors, and which said amount shall be available for the payment of said bonds and the interest thereon. Said assessment shall be payable as herein provided at the times and in the amounts indicated in said report of said engineer of construction. When the said board has levied the special assessment as hereinabove set forth, the clerk of said board shall cause to be filed with the recorder, and with the tax collector of the county or counties in which the district is situated, certified copies of the plat and report as adopted and confirmed by said board, together with certified copies of the order of said board levying said special assessment, and also give to the county auditor notice of the total amount of the installments for each year. If the district lies within more than one county as provided in section two, said certified copies shall be filed with the recorder and tax collector of each county affected. Upon the filing of such certified copies the charges assessed upon each piece of land for the first year shall immediately become due and payable, and shall constitute a lien thereon; thereafter the installments for the succeeding year shall become due and payable on the third Monday of October of each year, and shall thereupon constitute a lien upon the land against which it is assessed.

Special fund
to retire
bonds.

All moneys paid upon such assessment, either by property owners or by the county or municipality affected, shall be placed in the county treasury of the county in which such district was organized in a special fund to be known as drainage district improvement No. ---- interest and sinking fund (the number being that of the district), and shall be used only to retire the bonds issued to pay the cost of constructing the improvement and the incidental expenses thereof, and to pay the interest on said bonds. Any surplus remaining shall be paid into the maintenance fund of said district. Upon the filing of the certified copy of the report, assessment plat, and order with the tax collector of the county or counties as above provided, the tax collector shall give notice by ten days publication in the newspaper designated in the resolution of intention, that the assessment list of drainage improvement district No. ---- has been filed in his office, with the date of such filing; that the first installments entered thereon are due and payable, and that if not paid on or before the last Monday of April next ensuing the same will become delinquent and will be collected as are delinquent taxes. He shall note on said assessment list all assessments paid, and give receipts as upon the payment 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.

Subsequent collections of installments shall be made in the manner above set forth, and the tax collector shall annually publish a like notice, and the same proceedings shall be had as upon the collection of the first installment.

When said installments have become delinquent the tax collector of the county shall proceed to collect the same, together with an additional ten per cent added thereon, and pay the same over to the county treasurer as state and county taxes are collected and paid over; for the purpose of collecting such assessments and delinquent installments and penalties, all of the provisions of chapter seven, title nine, part three of the Political Code not in conflict with any of the provisions of this act are hereby made applicable. The entire assessment against a parcel of land within the district, subsequent installments as well as the installment for the current year, may at any time be paid in full. Delinquent installments.

The board of supervisors shall each year, at the time of making the levy of taxes for county purposes, levy an ad valorem tax upon the real estate in each drainage improvement district in their county organized under this act in an amount sufficient to raise the revenue which will be needed for the current year for maintaining and repairing the works and improvements for said district. Said tax, when levied, shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When collected it shall be placed in the treasury of the county in a fund to be designated "drainage district improvement No. ---- maintenance fund," (the number being that of the district), and shall be used only for the purpose for which it was raised. If said district includes land within more than one county as above provided in section two, the ad valorem tax herein provided to be levied, shall, by each of said counties be collected as to the lands lying within its boundaries; and said counties shall pay said tax so collected over to the county having jurisdiction of said district. Ad valorem tax for maintenance fund.

SEC. 13. The chairman of the board of supervisors is hereby authorized, in the name of the county to execute the contract with the awardee thereof, and to receive and approve all bonds required by this act on the part of the awardee, and shall, by the terms of said contract, fix the time for the beginning of the work, which shall not be more than twenty days from the date thereof. The contract shall provide that the work shall be prosecuted with diligence until completed, and shall fix a time for such completion. Such time of completion may be extended from time to time by the board of supervisors, in its discretion, and by resolution, entered by the clerk in the minutes of said board, a copy of which shall by said clerk be endorsed upon or annexed to the contract. Execution of contract

Before the execution of such contract, a bond shall be executed and filed, running to the county, in an amount not less than one-half of the contract price of the work, signed by the contractor and two or more sureties, who, unless surety companies, shall qualify before an officer entitled to administer the oath, in a sum aggregately equal to the amount of the bond, each surety in the amount for which he becomes surety. Such bond shall be conditioned for the faithful execution of Bond of contractor.

the contract by the contractor, and for the payment by him for all labor and materials furnished for or in the doing of the work. The form and sufficiency of said bond shall be passed upon by some member of the board of supervisors, and such bond shall inure as well to the benefit of any and all persons furnishing labor or materials for the work as to that of the county.

County to
issue bonds

By said contract the county shall undertake that the board of supervisors will, upon the fulfillment and performance of the contract on the part of the contractor, and under the provisions of the drainage district improvement act of 1919 take all steps, in or by said act authorized to be taken, to effect the issuing by the county treasurer of the bonds in said act authorized to be issued, and provide a fund for their payment, as in or by said act prescribed. The contract shall state that in no case shall the county be liable thereunder, nor any officer thereof be holden thereunder except for the discharge of official duty under the law.

Taking over
or reletting
contract

If the contractor shall fail to begin in good faith the work provided for in said contract within the time in said contract set forth, or shall fail thereafter to prosecute said work in a workmanlike and diligent manner, or shall fail in any other respect to carry out the terms of said contract, then the board of supervisors shall cause written notice to be served upon said contractor, specifying the particular in which he is not fulfilling the requirements of said contract, and if for a period of three days thereafter said contractor shall fail to remedy the defects set forth in said notice, and to prosecute said work thereafter with diligence and in a workmanlike manner, then the board of supervisors shall either take over said contract and complete said work, or shall relet said contract, without the necessity of advertising for bids, and cause the work to be completed, and shall declare the bond given by said contractor forfeited and order suit brought thereon, and all moneys collected therefrom shall be paid into the interest and sinking fund of the district.

Action on
bond for
material
or labor
furnished

If the contractor shall fail to pay for any labor or material furnished for or in the doing of said work by any person, such person may within ninety days after the making of the final order hereinafter referred to, file with the county treasurer a verified statement of such facts, and such person may thereafter, within six months after the filing of such statement, bring an action on said bond in his own name, or if he has assigned his claim, the action may be brought in the name of the assignee; *provided, however*, that the right of the county to recover on said bond shall be superior to the rights of any such person to recover thereon; *provided, moreover*, that if such statement shall be filed before the expiration of twenty days from the making of such final order, then the county treasurer shall be authorized to withhold from the contractor sufficient of the bonds, issued as herein provided, to satisfy said claim, and costs, which can reasonably be anticipated.

SEC. 14. As soon as in good faith may be done, there shall be filed with the clerk of the board of supervisors a declaration that the work has been completed according to the contract, together with an itemized statement of all the incidental costs and expenses of the work and the cost of the proceedings inclusive of the estimated cost of publishing the notice of final hearing hereinafter provided. The aggregate amount of such items shall be stated, and also the amount due under the contract; and also the gross sum for a bond issue representing the entire amount thereof, as claimed by the contractor. The said declaration and statements shall be signed and verified by the engineer of construction and by the contractor or by some person cognizant of the facts signing on his behalf and stating why he, instead of the contractor, so signs and verifies. Either signer may except from his signature and verification any amount or item to which he does not assent. The chairman of the board of supervisors shall fix a time for a hearing, to be known as the final hearing, for the purpose of determining whether the work shall be accepted as completed according to the contract, and for determining the aggregate amount for which bonds shall be issued representing the total costs of the work and the incidental costs and expenses of the work and the proceedings, all of which have been charged to and are payable by the contractor. Notice of such hearing shall be given and may, in form, and shall, in substance be as follows (filling the blanks):

Declaration that work has been completed.

Hearing to determine whether work will be accepted.

NOTICE OF FINAL HEARING.

In the matter of drainage district improvement No. ----

Notice of final hearing.

Notice is hereby given that a final hearing in the above named matter will be had at the hour of ----m. on the ---- day of -----, 19----, at the chamber of the board of supervisors of the county of -----, State of California, for the purpose of determining whether the work done under the contract with -----

----- under resolution of intention No. ---- in drainage improvement district No. ---- of the county of ----- shall be accepted as being performed according to the contract, and for determining the aggregate amount for which bonds shall issue representing the cost of such work, including the incidental costs and expenses of the work and the proceedings, of which a statement has been filed with the clerk of said board of supervisors of the county of ----- to which statement the attention of all persons interested is hereby directed.

----- of the board of supervisors of the county of -----

Attest: -----
Clerk of said board of supervisors.

Publication
and posting.

Such notice shall be signed by the chairman of the board of supervisors and attested by the clerk of the board of supervisors and published by at least two insertions in the newspaper or newspapers designated in the resolution of intention, and a copy or copies thereof posted and kept posted for two days at or near the chamber door of the board of supervisors, the first day of such publication and that of such posting (they need not be simultaneous) to be not less than five days before the day in said notice specified for the hearing. Proof of such publication shall be made by affidavit or affidavits, and the same shall be filed. If a quorum be not present at the time specified in the notice of the hearing, the members of the board then present may continue the hearing; and at all stages the hearing may, by resolution entered in the minutes, be continued from time to time. At any time before the day in said notice specified for the hearing any property owner may file written objection to the acceptance of the work on the ground that the work has not been completed or done according to the contract, specifying in ordinary language the particulars in which the work has not been so completed or done. Any person interested in the proceeding, as of the interest of the contractor, shall be presumed to take issue with such objection and shall be heard accordingly. Questions as to the incidental costs or expenses of the work or the proceedings may be raised orally by any property owner within the district. Evidence may be adduced as to any of the matters to be determined, and in such order as the board may direct. If, when the matter has been fully heard, whether under, or in the absence of, objections, the board of supervisors is of the opinion that the work has not been completed or done according to the contract, it shall in writing specify what must be done in order to complete the work, and shall, by an order or resolution to be entered in its minutes, continue the further hearing of the whole matter to a specified day, expressly stating that such continuance is for the purpose of enabling the contractor to complete his contract. On said continued hearing, the objections to the work filed before the day of the first hearing shall continue in force, and evidence shall be received, if offered, as to what has been done by way of completing the contract in the particulars specified in the order of the board on the said continuance of the hearing. If, upon such continued hearing, the board is of the opinion that the work is still uncompleted in the particulars as to which it was ordered to be completed, it shall be discretionary with said board to order or refuse a second continuance of the hearing. If the board does order such second continuance, it shall be ordered in the same manner, with like effect as upon the first continuance; and likewise as to a second and any other or further continuance. Objections to any item of incidental costs and expenses shall pend and be heard on said day, or at any continued hearing had as above in this section provided. Every continuance of said hearing for the purpose of enabling the contractor to complete his contract or the work

Objections.

Continuance
of hearing.

shall continue or revive such powers in the proceeding as the board of supervisors had under the provisions of this act, at the time of the filing of the contractor's declaration that the work was completed, as above provided, and also operate to extend the time for the completion of said contract in such manner that its completion within the time to which the hearing is continued, shall be as valid performance of such contract as if completed at the time of filing such declaration.

SEC. 15. Whenever upon the hearing in section fourteen provided, whether original or continued, the board shall be of the opinion that the work has been completed and done according to the contract, said board shall by resolution to be entered upon its minutes so declare, and shall in said resolution declare that the work is accepted and the amount of the contract price for doing the work and the amount of the incidental costs and expenses of the work and proceedings and the aggregate amount for which bonds are to be issued and shall make final order that bonds be issued therefor as hereinafter provided. The decision and determination of said board at the hearing provided for in section fourteen shall, as to all matters determined at said hearing and as to all errors, informalities, irregularities, or omissions which said board might have avoided or remedied during the progress of the proceedings, or which it can at that time remedy, be final and conclusive upon all persons entitled to be heard before said board on said matters, and no assessment or tax levied for the payment of the bonds, and the interest thereon, to be issued for said work and expenses, shall be held invalid by any court for any error, informality, omission or other defect in the proceedings where the resolution of intention has been actually published as in this act provided, before the said board shall have ordered the work to be done.

Acceptance of work.

SEC. 16. Upon the expiration of twenty days after the making of the final order provided in section fifteen of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same, the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form, and shall in substance, be as follows:

Bonds to be issued by treasurer.

DRAINAGE DISTRICT IMPROVEMENT BOND.

County of -----, State of California.

Drainage Improvement District No. -----

\$-----

Bond No.-----

Drainage district improvement bond.

Under and by virtue of an act of the legislature of the State of California, known as the "drainage district improvement

Drainage district improvement bond.

act of 1919'' (here may be inserted a further designation of the act if desired) the county of _____, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county, on the ____ day of _____, 19____, the sum of _____ dollars in gold coin of the United States of America, with interest thereon, in like gold coin at the rate of ____ per cent per annum, payable semiannually on the _____ day of _____ and the _____ day of _____ of each year from the date hereof (the last installment thereof shall be payable at maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of said drainage district improvement act of 1919 and the amendments thereof, and is one of a series of bonds of like date and effect numbered from one to ____ consecutively, amounting in the aggregate to _____ dollars, issued in behalf of drainage improvement district No. ____ of said county, which constitute the only indebtedness of said district. It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of drainage district improvement No. ____ interest and sinking fund exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise.

In witness whereof said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed and said interest coupons to be signed by the said treasurer this _____ day of _____, 19_____.

Chairman of the board of supervisors of
the county of _____

Countersigned: _____

Treasurer of the county of _____

[Seal of board of supervisors]

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to said bonds shall be in such form as said treasurer may determine, subject to the provisions of this act and the approval of the board of supervisors. Said coupons

need be signed only by the treasurer either in writing or by lithographed or printed facsimile. Said bonds shall be delivered by the said treasurer to said contractor or to his order, assignee, or lawful representative.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest, not to exceed seven per cent per annum, to be paid thereon, and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year, which fractional part, for each year except the last, shall be that multiple of one hundred dollars nearest the amount obtained by dividing the amount of the total bond issue by the number of years through which said bond issue is to continue, and for the last year shall be for the balance of the total bond issue not provided to be paid in the previous years.

Term and interest.

The interest payments on said bonds shall become due and payable semiannually on such dates as will cause the final installment thereof to become due and payable on the date of the maturity of the bond in the manner indicated in said form of bond. Interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

Manner of making payments.

SEC. 17. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings prior thereto under this act, and after the same are issued, no tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be illegal or set aside or refunded by reason of any informality, irregularity, omission or defect in any of the proceedings prior to the issuance of said bonds, nor shall any action be maintained to cancel or set aside said bonds, or to prevent the payment thereof or the levy or collection of a tax for such payment.

Bonds evidence of prior proceedings.

SEC. 18. All costs, charges and expenses of the proceeding, including the salaries of the engineer of construction and of any assistants or employees necessarily employed by or under him in his work as herein provided, and in making the report and spreading the assessment as by this act required, and the costs of all publications provided to be made, and any and all other expenses, whether for material or labor, necessary in the performance of the duties of said engineer of construction, as

Costs paid by contractor.

Costs
paid by
contractor.

in this act provided, shall be paid by the county. But the amount thereof shall thereupon become a charge upon the contractor and shall have been repaid by him to the county before delivery of the bonds shall be made by the county treasurer; *provided, however*, that if said costs and expenses are not paid within ten days after notice given that said bonds, excepting such number thereof as may be withheld to satisfy claims filed as hereinabove provided are ready for delivery, a sufficient number of said bonds may be sold at not less than ninety-five per cent of their face value to fully satisfy said costs and expenses, any surplus over said costs and expenses obtained by such sale to be paid to said contractor: *provided, further*, that the county treasurer may make delivery of such bonds, if there be deposited with him, subject to the order of the board of supervisors, money to the amount of the costs and expenses chargeable to the contractor as the same is stated in the final order of the board of supervisors, provided for in section fifteen of this act; *provided, further*, that for furnishing plans and specifications and posting and publishing the resolution of intention and other notices which have been posted or published, the county shall be liable in case the proceedings cease or are abandoned, before the award of the contract. The contractor and all persons claiming under him any interest in said bonds, whether of ownership, lien or otherwise, shall be deemed to have notice of the contents of this section.

Publication
in newspaper.

SEC. 19. If publication in the newspaper or newspapers designated in the resolution of intention become impossible for any reason, the board of supervisors may by a resolution to be entered in its minutes, stating the facts, designate another newspaper for each required publication as occasion therefor arises.

Papers filed
with clerk
of board.

SEC. 20. All papers in a proceeding under this act (save such as thereunder may be returnable to owners) shall be filed with the clerk of the board of supervisors, and by him kept together in a package appropriately labeled. Whenever in this act the term "clerk of the board of supervisors" is employed, it shall be deemed to include one who is, ex officio, such, and it shall be immaterial that he designate himself as county clerk where the county clerk is ex officio clerk of the board of supervisors, nor shall it be material that his act be by deputy.

Augmenting
other streams
or drains.

SEC. 21. The provisions of this act shall not be so construed as to permit waters to be carried out of their natural course to augment other streams or drains, to the damage of the residents along the banks of the streams or drains so augmented.

Securing
rights of
way.

SEC. 22. It shall be the duty of the engineer of construction where possible, to obtain options on rights of way necessary to the carrying out of the plans and specifications and to submit the same to the board of supervisors for ratification. Whenever the board of supervisors of any county in which a district is formed under this act can not purchase at a reasonable price or procure the right of way, or any lands found by them to be

necessary in order to carry out the plans and specifications for the proposed drainage of any such district, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the board may proceed to condemn the same under the provisions of title seven, part three of the Code of Civil Procedure.

The costs of such rights of way or such condemnation proceedings shall be paid by the county, but the amount thereof shall thereupon become a charge upon the contractor as provided in section eighteen of this act. Costs charge on contractor.

SEC. 23. In all cases, when, after the bonds have been issued, it is found that the contractor has failed, through error or oversight, to pay any item of incidental expenses, the county shall pay the same and reimburse itself from the interest and sinking fund. Likewise, when the contractor has paid to the county an amount more than sufficient to cover the incidental expenses, for which bonds have been issued, the county shall pay such surplus to said interest and sinking fund. Incidental expenses.

If, for any reason whatsoever, there be insufficient money in the interest and sinking fund to pay the interest or retire said bonds when such interest or bonds become due and payable, the county shall advance the balance necessary to pay such interest or retire such bonds becoming due at that time, and shall reimburse itself from moneys paid into said interest and sinking fund. Advance by county to pay interest or retire bonds.

SEC. 24. The engineer of construction shall, subject to the approval of the board of supervisors, do all things necessary for the proper maintenance of the improvement. The compensation of any assistants or employees or the cost of any material necessary shall be payable out of the maintenance fund. Maintenance of improvement.

In a like manner the engineer of construction shall maintain all existing drainage district improvements constructed under the act of 1903, being the act referred to in section twenty-seven of this act.

SEC. 25. This act shall be liberally construed with a view to promoting the objects and purposes thereof. Construction.

SEC. 26. This act shall be known as the drainage district improvement act of 1919, and by such designation shall be sufficiently identified in any proceeding thereunder, and whenever in the resolution of intention it shall be set forth or recited that the proceeding is under the "drainage district improvement act of 1919," this act shall be construed as the paramount statute for such proceeding. Title.

SEC. 27. This act shall supersede and repeal an act of the legislature of the State of California approved March 21, 1903, and amendments thereto entitled "An act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie"; *provided, however*, that nothing contained herein shall operate to invalidate any proceedings heretofore taken under the provisions of said act approved March 21, 1903, as amended; Act, Stats 1903, p. 354, repealed.

provided, further, that any district formed under the provisions of the said act of 1903, but not completed at the time this act takes effect, shall be completed, accepted by the board of supervisors and bonds shall be issued in accordance with the provisions of the said act of 1903, but may be issued for all the purposes specified in this act including expenditures made to procure rights of way whether inside of such drainage district or outside thereof, where the board finds it necessary for such district, but such district shall thereafter be maintained under the provisions of section twenty-four of this act. Otherwise this act is not intended to supersede or repeal any other act for the construction of work for drainage purposes, but is intended as an independent and alternative act of the legislature of the State of California.

Alternative
act.

CHAPTER 355.

An act relating to baling of hay; defining hay baler; providing regulations governing the baling of hay; providing for the sale of hay by net weight; providing penalties for any violation of the provisions of this act.

[Approved May 18, 1919. In effect July 22, 1919.]

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

"Baler" and
"presser"
defined.

SECTION 1. The term "baler" or "presser" as referred to in this act shall mean the person, firm, association, or corporation owning or having possession of or operating a hay press.

Scales to be
tested and
sealed.

SEC. 2. Any person baling hay for compensation shall employ scales that have been tested and sealed by the sealer of weights and measures and any record of weight forming the basis in settlement for baling hay shall be the true net weight of the baled hay; and any record of weight forming the basis of settlement in the sale or purchase of baled hay shall be the true net weight of such baled hay.

Falsely
increasing
weight.

SEC. 3. No baler or presser of hay shall put or conceal in any such bale of hay anything whatever for the purpose of increasing the weight of such bale with intent to defraud.

Standard
weight.

SEC. 4. Hay when sold, offered, or exposed for sale shall be sold by avoirdupois weight and a ton shall consist of two thousand pounds net weight; *providing, however*, that hay may be sold by the bale in which case the net weight of the bale shall be indicated on a tag securely fastened to the bale.

Broken
bales.

SEC. 5. When any hay is shipped by a common carrier in bales and where such bales become broken, the approximate weight of such broken bales shall be included in the total weight of the hay shipped.

Penalty.

SEC. 6. Any person, firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars, or more than one hundred dollars.

CHAPTER 356.

An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor, and the winding up of the affairs of the district when dissolved.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. Any irrigation district organized under any of the laws of the State of California, providing for the organization of irrigation districts, which—

Provisions
for dissolution
of
irrigation
districts.

(a) Has been organized more than three years and has failed and neglected to secure an adequate water supply and which does not have a reasonable prospect of securing an adequate water supply for the lands of the district, and has failed and neglected to obtain the approval of the state water commission of the water supply of said district and has failed and neglected to obtain the approval of the state engineer of the plans of said district, and has failed and neglected to construct or acquire a system of works or the financing thereof, and has failed and neglected to obtain the approval of the irrigation district bond commission; or

(b) Has been organized for more than ten years and for more than five years after the construction or acquisition of a system of works has failed and neglected to maintain such works, or for five years or more after such works have been constructed or acquired has failed and neglected to supply or make available, water for the irrigation of more than ten per cent of the lands of the district;

May be dissolved and annulled by the superior court of the county in which said district is located by proceedings in an action brought by the attorney general in the name of the people of the State of California, upon his own information. Before such an action can be commenced in the courts the attorney general shall publish for two consecutive weeks in some newspaper published in the county in which the greater portion of the district is located, a notice to all parties in interest that it is his intention to begin such action for the dissolution of said district. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceedings herein provided.

SEC. 2. Before the trial of the case the court may direct the state engineer to investigate all the affairs of said district; the water supply that may be obtained without prohibitive cost; the feasibility and practicability of irrigating all or a reasonable amount of the lands of said district; and all other matters which the court may direct, or the state engineer may deem pertinent as affecting the possible success or failure of

Investigation
by state
engineer.

the district as an irrigation enterprise and which may be necessary to enable the court to determine the question of dissolution.

Access to records.

For the purpose of making such investigation, the state engineer shall have access to all the records of the district, and all officers and employees and other persons in any manner connected with or employed by said district shall furnish such information as he may require which has already been obtained or determined, including maps, plans, estimates, field notes, and other data.

Report.

The state engineer shall report his findings and conclusions to the superior court as soon as practicable, but within ninety days unless a longer time be granted him by the court, but in no case to extend beyond the period of one hundred eighty days in all.

Upon dissolution county officers shall be ex officio officers of district.

SEC. 3. Upon final judgment of dissolution in such action, the district in question shall be deemed dissolved and annulled. The court shall determine the amount of indebtedness outstanding against said district, including the costs of the court action herein provided for, and thereafter the appropriate county officers shall act as ex officio officers of the district; the records and papers of every kind belonging to the district shall be turned over to the proper county officers. The county treasurer shall perform the duties of the district treasurer; the county tax collector shall perform the duties of the district tax collector; the county assessor shall perform the duties of the district assessor; the county clerk shall perform the duties of the secretary of the board of directors; the board of supervisors shall perform the duties of the board of directors; they shall proceed to levy and collect such additional taxes as may be necessary upon the lands embraced within such district in the same manner and with the same procedure for nonpayment that county taxes are levied and collected for the purpose of paying such outstanding indebtedness not provided for by previous assessments. All property of every kind belonging to the district, including lands sold to the district for taxes, shall be sold as the court may direct and the proceeds together with all money on hand shall be used to pay off the indebtedness. All funds remaining after all outstanding indebtedness has been paid shall be apportioned and be paid to the assessment payers according to the last assessment roll.

Sale of property.

Funds remaining after indebtedness is paid. Indebtedness no bar to dissolution.

SEC. 4. The outstanding indebtedness, whether of bonds, warrants, or otherwise, of any irrigation district shall not operate as a bar to dissolution by the superior court when provision is made for the payment of such indebtedness in the manner provided in section three of this act.

Intent of act.

SEC. 5. This act is designed to provide an alternative method for the dissolution of irrigation districts and shall not be deemed to repeal any other statute or statutes.

CHAPTER 357.

An act to regulate the herding and grazing of the live stock of nonresidents and foreign corporations upon unenclosed land in the State of California and providing a penalty for any violation of any of the provisions of this act.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. It shall be unlawful for any person or for any corporation who or which does not have his or its principal home ranch and live stock headquarters in the State of California, except as herein provided, to herd or graze, or to cause to be herded or grazed, upon any unenclosed lands in the State of California any sheep or bovine cattle without having first obtained from the tax collector of the county in which such herding or grazing or some portion thereof is done, a valid license authorizing such herding and grazing in the State of California: Such license shall be issued by said tax collector to and in the name of such person or corporation upon compliance by him or it with the provisions of section two of this act, and shall be valid only for the calendar year in which it is dated; *provided*, that any person or any corporation which does not have its principal home ranch and live stock headquarters in the State of California, owning or leasing land in the State of California, shall be exempt from any license or the payment of any license for five head of sheep for each acre so owned or leased, and three head of bovine cattle for each acre so owned or leased.

Nonresidents must have license for herding and grazing of live stock.

Exemptions.

SEC. 2. As conditions precedent to the issuance of said license, the applicant therefor shall:

Affidavit of applicant for license.

1. File with said tax collector an affidavit which shall explicitly and truly state the following facts:

(a) If the applicant is a nonresident person, his name and place of residence; or, if the applicant is a corporation, its name, the state under whose laws it is incorporated, the date of its incorporation, its principal place of business, and the names and addresses of its officers;

(b) The location of his or its principal home ranch and live stock headquarters;

(c) The number of acres of land owned or leased in the State of California, together with a description thereof.

2. Pay to the said tax collector the sum of fifty cents a head for each of the sheep, and the sum of two dollars a head for each of the bovine cattle proposed to be herded or grazed in the State of California, after deducting the number of sheep and cattle as exempted from the payment of said tax.

SEC. 3. No such person or corporation shall herd, graze, or cause to be herded or grazed upon any unenclosed land in any county in California any greater number of live stock than that

for which he or it has previously obtained such license, and which is exempted under the provisions of this act.

Disposal of
license fees.

SEC. 4. The tax collector collecting such license moneys shall be allowed to retain for his own compensation and in addition to his salary or other fees now provided by law six per centum of the said license moneys by him collected, and shall quarterly pay the remainder of such moneys into the general county road fund.

Penalty.

SEC. 5. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding five hundred dollars, and shall be prohibited from herding, grazing, or causing to be herded or grazed any live stock in the State of California until such fine is paid.

When act
shall become
void.

SEC. 6. If any law passed at the present session of the legislature in any of the states bordering on California, similar to this bill affecting the citizens and corporations of the State of California, shall be declared unconstitutional and invalid by a court of last resort in any of said states, then this act shall immediately become inoperative and void.

CHAPTER 358.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand one hundred ten a, providing that where an appeal is taken from a writ of mandate ordering a delivery of water for irrigation purposes that such an appeal shall not operate to stay the judgment on the writ.

[Approved May 18, 1919. In effect July 22, 1919.]

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

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

Appeal from
writ of
mandate
ordering
delivery
of water.

1110a. If an appeal be taken from an order or judgment directing the issuance of a writ of mandate commanding a party to deliver water, for irrigation purposes, such appeal shall not stay the operation of the order, judgment or writ as to the delivery of such water, but such water must until the final determination of said appeal be delivered as commanded by said writ; *provided*, that if any expense is necessary to be incurred by the defendant in connecting the water supply with the land to be irrigated, said defendant shall not be obliged to furnish water unless the plaintiff shall provide a bond in such sum as the court may fix, conditioned that in the event of the judgment being reversed, plaintiff will pay defendant the amount of the expense so incurred not exceeding the amount of said bond.

CHAPTER 359.

An act to amend section thirteen of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationalary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915.

[Approved May 18, 1919. In effect July 22, 1919.]

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

SECTION 1. Section thirteen of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationalary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, is hereby amended to read as follows:

Stats. 1915,
p. 1235.

Sec. 13. Whenever a petition has been filed in the juvenile court of a county other than that of the residence of a person coming within any of the provisions of this act, or whenever, subsequent to the filing of a petition in the juvenile court of the county where said person resides, the residence of said

Transfer of
juvenile
court cases.

person is changed to another county, the entire case may be transferred at any time to the juvenile court of the county wherein said person then resides, and such court must take jurisdiction of the case upon the filing with it of such order. The expense of the transfer of said person shall be borne by the parent, parents, or guardian of the person so transferred or shall be paid out of the earnings, property, or estate of said person, or if the parent, parents or guardian are unable to pay the same or if the earnings, property or estate of said person is insufficient to pay the same the court shall order the same to be paid from the county treasury of the county ordering the transfer. Whenever a case shall be transferred thereunder, the order of transfer shall recite (a) each and all the findings, orders or modification of orders that may have been made in said case, and (b) that said person resides in or has removed to the county to which said matter has been transferred and (c) to said order of transfer shall be attached a certified copy of the original petition in said matter. Such transfer shall be accompanied by a summary of all the facts in the possession of the court or probation officer covering the history of said person.

Order of
transfer.

CHAPTER 360.

An act relating to the liability in damages of the officers of districts, towns, cities, cities and counties, counties and of the State of California for injuries to person or property resulting from defects and dangers in public streets, highways, bridges, buildings, work or property, prescribing the duties of certain public officers with respect thereto, and repealing an act entitled "An act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property," approved April 26, 1911.

[Approved May 18, 1919. In effect July 22, 1919.]

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

When
officers are
not liable for
damages.

SECTION 1. No officer of any district, town, city, city and county, county, or of the State of California, shall be liable for any damage or injury to any person or property hereafter resulting from the defective or dangerous condition of any public street, highway, bridge, building, work or property, unless it shall first appear: (1) that the injury sustained was the direct and proximate result of such defective or dangerous condition, (2) that such officer had notice of such defective or dangerous condition or that such defective and dangerous condition was directly attributable to work done by him, or under his direction, in a negligent, careless or unworkmanlike manner,

(3) that he had authority and it was his duty to remedy such condition at the expense of the state or of a political subdivision thereof and that funds for that purpose were immediately available to him, and (4) that, within a reasonable time after receiving such notice and being able to remedy such condition, he failed so to do, or failed to take reasonable steps to give adequate warning of such condition; and then only when it shall further appear that such damage or injury was sustained while such public street, highway, bridge, building, work or property was being carefully used, and that due care was being exercised to avoid the danger due to such condition; *provided, however*, that this act shall not be construed as enlarging the duty or liability of any public officer.

SEC. 2. If suit is brought against any such officer of any district, town, city, city and county, county, or of the State of California, on account of any action, or work done by him, in his official capacity as such officer, when done under and according to the provisions of the law respecting his said office, it shall be the duty of the attorney for the district, the corporation counsel, city attorney, district attorney, county counsel, or attorney general of the state, as the case may be, to act as counsel in defense of such suit, unless provision has been made by law for the employment of other counsel in connection with the performance of the work out of which such suit arises, and in such event it shall be the duty of such other counsel to defend such suit.

Counsel in
defense of
suit brought
against
officer.

SEC. 3. An act entitled "An act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property," approved April 6, 1911, and all acts and parts of acts in conflict herewith are hereby repealed.

Stats. 1911,
p. 1115,
repealed.

CHAPTER 361.

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

[Approved May 18, 1919. In effect July 22, 1919.]

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

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

626*d*. Every person, who during any one calendar day, hunts, takes, kills, pursues or destroys or has in his possession more than eight wild geese, or black sea brant, or more than twenty-five wild ducks or mudhens or jacksnipe or more than fifteen desert or valley quail or doves, or more than ten mountain quail, or more than four grouse, or more than four sage hens, or, who, during any one calendar day, except in fish and

Bag limit
for game.

Bag limit
for game.

game district number four, hunts, takes, kills, pursues or destroys, or has in his possession more than fifteen cottontail or bush rabbits, is guilty of a misdemeanor; *provided, also*, that any person, who, during any one calendar week, takes, kills, pursues or destroys or has in his possession, or ships or offers for shipment, more than twenty-four honker or black sea brant, or more than fifty wild ducks, mudhens or jack-snipes, or more than thirty desert or valley quail or doves, or more than twenty mountain quail, or more than eight grouse or more than eight sage hens or, who, during any one calendar week, except in fish and game district number four, takes, kills, pursues or destroys, or has in his possession, or ships, or offers for shipment more than thirty cottontail or bush rabbits, is guilty of a misdemeanor.

CHAPTER 362.

An act to amend section ten of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths; the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the office of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

[Approved May 18, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 722.

SECTION 1. Section ten of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths; the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the office of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and

parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

Sec. 10. The removal of a dead body from one registration district to another must be accompanied by a yellow transit paster prepared according to a form prescribed by the state board of embalmers and approved by the state board of health.

Removal of body from one district to another.

CHAPTER 363.

An act providing that any domestic society, organization or company, providing life insurance for its members or their beneficiaries upon the assessment plan, including any domestic fraternal benefit society organized or operating under the act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, as amended, may change into a corporation to transact a life insurance business as a legal reserve or level premium company, not affecting existing suits, rights or contracts, for the protection of which business may be transacted of the kind transacted before reorganization, and for the protection of which a fund is to be created under conditions set forth herein.

[Approved May 21, 1919. In effect July 22, 1919.]

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

SECTION 1. Any domestic society, organization or company providing life insurance for its members or their beneficiaries upon the assessment plan, including any domestic fraternal benefit society organized or operating under that certain statute entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, as amended, may upon a majority vote of its trustees or directors, or in any lawful manner, amend its articles of incorporation and by-laws, if already incorporated, or if not incorporated, may incorporate, in such manner as to transform itself into a legal reserve or level premium company, with the name by which it is already known or another name as its directors or trustees shall determine; and upon so doing and upon procuring from the commissioner of insurance a certificate of authority as prescribed by law to transact business in this state as a legal reserve or level premium life insurance company it shall incur the obligation and enjoy the benefits thereof the same as though originally thus incorporated; and such corporation under its articles and by-laws as so framed or amended shall be a continuation of the original organization, society or corporation and the officers thereof shall serve through their respective terms as provided in the original articles and by-laws, but their successors shall be elected and

Company transformed into legal reserve or level premium company.

serve as the law and its articles and by-laws provide; but such incorporation, amendment or reincorporation shall not affect existing suits, rights or contracts.

The said society, organization or company so reorganized shall have the power after reorganization to transact business of the same nature transacted by it before reorganization, as well as the powers conferred hereby and contemplated by its articles of incorporation, in order to protect and perform rights and contracts existing before reorganization.

Capital
stock of
reorganized
company.

SEC. 2. Any society, organization or company so reorganized shall have a capital stock of which at least two hundred thousand dollars must be paid up previous to the issuance of any policies by it as a legal reserve or level premium company. All assets belonging to any such society, organization or company so reorganized, prior to reorganization, or arising or accruing from policies, certificates or benefit certificates issued upon the assessment plan, shall be used only for the benefit of the holders of such policies, certificates or benefit certificates and no portion thereof shall be used or considered as any part of the capital stock provided for by this act. If at the time of reorganization, or at any time thereafter, it shall appear from the last preceding annual report of any such society, organization or company filed with the commissioner of insurance, or as the result of any investigation made by said commissioner, that the present value of the contributions to be received from the holders of policies or benefit certificates on the assessment plan, together with all assets owned by the company that have been accumulated from assessments paid by members on that plan, are not equal to the present value of the benefits to be derived by members under the assessment plan, including all matured liabilities; then the society, organization or company so reorganized shall set aside and maintain a fund which with said present value of contributions and assets will equal the present value of said benefits together with all matured liabilities. Said fund shall be used for the payment of matured liabilities arising under the assessment plan when other assets applicable thereto are exhausted. Said fund may be derived from the capital stock of said reorganized company; *provided, however*, that the paid-up capital stock other than said fund shall not be less than two hundred thousand dollars. Said fund need not be maintained when the same is not required by conditions as herein expressed. Members in good standing of any such company prior to reorganization shall have the right after reorganization to transfer their insurance in said company to the legal reserve or level premium plan for the same amount without further medical examination, and at the legal reserve or level premium rates. The interest and the assets of the company of any person so transferring shall be transferred to and be a part of the assets of such company on the legal reserve or level premium plan.

Fund when
contributions
not equal to
benefits.

Powers of reorganized company.

SEC. 3. The society, organization or company so reorganized and its officials shall exercise all the rights and powers and perform all the duties conferred or imposed by law upon organizations writing the kinds of insurance written by said society, organization or company so reorganized. Such organization and its officials shall exercise all the rights and powers and perform all the duties necessary to protect rights and contracts existing prior to reorganization. The commissioner of insurance shall exercise the powers and discharge the duties concerning any such society, organization or company so reorganized that are applicable to companies writing insurance or issuing policies of the same class organized or operating in the State of California. The commissioner of insurance must issue a certificate of authority to any such society, organization or company so reorganized which is in a solvent condition and has fully complied with the laws of this state to transact insurance business in this state.

Valuation of policies.

SEC. 4. Any assessment company or fraternal benefit society incorporated or reincorporated to transact a life insurance business as above provided shall value its assessment policies or certificates or benefit certificates according to the standard of valuation of assessment insurance used in this state, and its legal reserve or level premium policies according to the standard of valuation thereof in this state. The various kinds of insurance written shall be governed by the law applicable thereto.

CHAPTER 364.

An act to amend the act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, by adding a new section thereto to be numbered eight hundred sixty-two a, providing for the organization, management and maintenance of hospitals in cities of the sixth class.

[Approved May 21, 1919. In effect July 22, 1919.]

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

SECTION 1. The act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended by adding a new section thereto to be numbered eight hundred sixty-two a, and to read as follows:

Stats. 1883, p. 93.

Sec. 862a. In any city of the sixth class the board of trustees shall have power:

Powers of trustees in cities of sixth class.

(a) To establish and maintain a municipal hospital.

(b) To prescribe rules for the government and management thereof and the terms upon which patients may be admitted thereto.

Power of trustees in cities of sixth class.

(c) To appoint and fix the compensation of physicians, surgeons and other necessary officers and employes of the hospital who shall hold their positions during the pleasure of the board of trustees.

(d) To acquire any and all property, real or personal, by purchase or donation, and construct and equip such buildings as the board may deem necessary and suitable for the proper conduct of the hospital. In receiving any donation of money, the city may agree to pay the donor or donors interest upon the principal at a rate not exceeding seven per cent per annum during the lifetime of the donors, or of any of them, or of the survivor, but not exceeding a period of forty years, and without repayment of the principal or any part thereof. In the case of the incurring of such indebtedness in favor of donors, the indebtedness shall be incurred and means for the payment thereof shall be provided in the manner prescribed by the provisions of the 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, as amended, so far as the same may be applicable; *provided, however*, that the ordinance calling the election shall not contain any statement as to bonds that are to be issued, but shall in general terms describe the proposed donation, the purpose for which it is to be used, and the terms upon which the same is to be made and accepted.

(e) To levy and collect annually a property tax for the maintenance of the hospital which shall not in any one year exceed the cost of the care of indigent patients and the interest charge upon any donation accepted in accordance with the provisions of subdivision (d) of this section.

CHAPTER 365.

An act to repeal article three of chapter three of title seven of part four of division three of the Civil Code of the State of California, and to enact a new article three of chapter three of title seven of part four of the Civil Code of the State of California, relating to bills of lading, and defining crimes in connection therewith and prescribing punishment therefor.

[Approved May 21, 1919. In effect July 22, 1919.]

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

SECTION 1. A new article is hereby added to the Civil Code to be numbered article three, chapter three, title seven of part four, of division three and to read as follows:

ARTICLE III.

BILLS OF LADING.

- Subdivision I. Issue of bills of lading.
 Subdivision II. Obligation and rights of carriers upon their bills of lading.
 Subdivision III. Negotiation and transfer of bills.
 Subdivision IV. Criminal offenses.
 Subdivision V. Interpretation.

SUBDIVISION I.

ISSUE OF BILLS OF LADING.

- Section 2126. Bills governed by this article.
 Section 2126a. Form of bills. Essential terms.
 Section 2126b. Form of bills. What terms may be inserted.
 Section 2126c. Definition of nonnegotiable or straight bill.
 Section 2126d. Definition of negotiable or order bill.
 Section 2126e. Negotiable bills must not be issued in sets.
 Section 2126f. Duplicate negotiable bills must be so marked.
 Section 2126g. Nonnegotiable bills shall be so marked.
 Section 2126h. Insertion of name of person to be notified.
 Section 2126i. Acceptance of bill indicates assent to its terms.

2126. Bills of lading issued by any common carrier shall be governed by this article. Bills of lading.

2126a. Every bill must embody within its written or printed terms— Essential terms of bill of lading.

- (a) The date of its issue;
 (b) The name of the person from whom the goods have been received;
 (c) The place where the goods have been received;
 (d) The place to which the goods are to be transported;
 (e) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person;
 (f) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in section two thousand one hundred twenty-eight of this code; and
 (g) The signature of the carrier.

A negotiable bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable.

A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section.

2126b. A carrier may insert in a bill, issued by him, any other terms and conditions, provided that such terms and conditions shall not— What terms may be inserted.

- (a) Be contrary to law or public policy, or
 (b) In any wise impair his obligation to exercise at least that degree of care in the transportation and safe-keeping of

the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Nonnegotiable or straight bill. 2126c. A bill in which it is stated that the goods are signed or destined to a specified person, is a nonnegotiable or straight bill.

Negotiable or order bill. 2126d. A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill, is a negotiable or order bill.

Any provision in such a bill that it is nonnegotiable shall not affect its negotiability within the meaning of this article.

Negotiable bills must not be issued in sets. 2126e. Negotiable bills issued in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets.

If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

Duplicate negotiable bills must be so marked. 2126f. When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

Nonnegotiable bills must be marked. 2126g. A nonnegotiable bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

Insertion of name of person to be notified. 2126h. The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

Acceptance of bill indicates assent to terms. 2126i. Except as otherwise provided in this article where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

SUBDIVISION II.

OBLIGATIONS AND RIGHTS OF CARRIERS UPON THEIR BILLS OF LADING.

- Section 2127. Obligation of carrier to deliver.
 Section 2127a. Justification of carrier in delivering.
 Section 2127b. Carrier's liability for misdelivery.
 Section 2127c. Negotiable bills must be canceled when goods delivered.
 Section 2127d. Negotiable bills must be canceled or marked when parts of goods delivered.
 Section 2128. Altered bills.
 Section 2128a. Lost or destroyed bills.
 Section 2128b. Effect of duplicate bills.
 Section 2128c. Carrier can not set up title in himself.
 Section 2128d. Interpleader of adverse claimants.
 Section 2128e. Carrier has reasonable time to determine validity of claims.
 Section 2128f. Adverse title is no defense, except as above provided.
 Section 2128g. Liability for nonreceipt or misdescription of goods.
 Section 2128h. Attachment or levy upon goods for which a negotiable bill has been issued.
 Section 2128i. Creditor's remedies to reach negotiable bills.
 Section 2128j. Negotiable bill must state charges for which lien is claimed.
 Section 2128k. Effect of sale.

2127. A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by—

Obligation of carrier to deliver.

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods;

(b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods if the bill is negotiable; 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 carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

2127a. A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is—

Justification of carrier in delivering.

(a) A person lawfully entitled to the possession of the goods, or

(b) The consignee named in a nonnegotiable bill for the goods, or

(c) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the

consignee or by the mediate or immediate indorsee of the consignee.

Carrier's liability for misdelivery.

2127*b*. Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to anyone 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 either of said subdivisions, he shall be so liable if prior to such delivery he—

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

Negotiable bills must be canceled upon delivery of goods.

2127*c*. Except as provided in section two thousand one hundred twenty-eight *k* of this code, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

When part of goods are delivered.

2127*d*. Except as provided in section two thousand one hundred twenty-eight *k* of this code, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill had been issued and fails either—

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill, to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

Altered bills.

2128. Any alteration, addition or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

2128a. Where a negotiable bill 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 surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

Lost or destroyed bills.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

2128b. A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

Effect of duplicate bills.

2128c. No title to goods or right to their possession, asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

Carrier can not set up title in himself.

2128d. If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods, or as an original suit, whichever is appropriate.

Interpleader of adverse claimants.

2128e. If someone other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Reasonable time to ascertain validity of claim.

2128f. Except as provided in the two preceding sections and in section two thousand one hundred twenty-seven *a* of this code, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a nonnegotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

Adverse title no defense except as provided.

2128g. If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to—

Liability for nonreceipt or misdescription of goods.

- (a) The consignee named in a nonnegotiable bill, or
- (b) The holder of a negotiable bill,

Liability
of carrier.

Who has given value in good faith relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in a bill 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 quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. All carriers must issue to shippers of carload freight from agency stations a clean bill of lading at the request of the shipper and in such cases shall discontinue the practice of noting on bill of lading "Shipper's load and count." Upon request of shipper of carload freight from a non-agency station, the carrier shall send a man to check the loading and shall issue a clean bill of lading, the expense, except transportation of man to and from point of loading to perform service of checking, to be borne by the shipper.

Attachment
or levy
upon goods.

2128*h*. If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner and a negotiable bill is issued for them, they can not thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

Creditor's
remedies
to reach
negotiable
bills.

2128*i*. A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, 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.

Bill must
state charges
for lien
claim.

2128*j*. If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are

allowed by law and the contract between the consignor and the carrier.

2128*k*. After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they are shipped, even of such a bill be negotiable. Effect of sale.

SUBDIVISION III.

NEGOTIATION AND TRANSFER OF BILLS.

- Section 2120. Negotiation of negotiable bills by delivery.
 Section 2129*a*. Negotiation of negotiable bills by indorsement.
 Section 2129*b*. Transfer of bills.
 Section 2129*c*. Who may negotiate a bill.
 Section 2129*d*. Rights of person to whom a bill has been negotiated.
 Section 2129*e*. Rights of person to whom a bill has been transferred.
 Section 2129*f*. Transfer of negotiable bill without indorsement.
 Section 2129*g*. Warranties on sale of bill.
 Section 2130. Indorser not a guarantor.
 Section 2130*a*. No warranty implied from accepting payment of a debt.
 Section 2130*b*. When negotiation not impaired by fraud, accident, mistake, duress, or conversion.
 Section 2130*c*. Subsequent negotiation.
 Section 2130*d*. Form of bill as indicating rights of buyer and seller.
 Section 2130*e*. Demand, presentation or sight draft must be paid, but draft on more than three days' time merely accepted before buyer is entitled to the accompanying bill.
 Section 2130*f*. Negotiation defeats vendor's lien.
 Section 2130*g*. When rights and remedies under mortgages and liens are not limited.

2129. A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank. Negotiation of negotiable bills by delivery.

2129*a*. A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner. By indorsement.

2129*b*. A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. Transfer of bills.

A nonnegotiable bill can not be negotiated, and the indorsement of such a bill gives the transferee no additional right.

2129*c*. A negotiable bill may be negotiated by any person in possession of the same, however such possession may have Who may negotiate bills.

been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

Rights of person to whom bill has been negotiated.

2129*d*. A person to whom a negotiable bill has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the bill 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 consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

Rights of person to whom bill has been transferred.

2129*e*. A person to whom a bill 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. If the bill is nonnegotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a nonnegotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

Transfer of negotiable bill without indorsement.

2129*f*. Where a negotiable bill 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 bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Warranties on sale of bill.

2129*g*. A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless a contrary intention appears, warrants—

- (a) That a bill is genuine;
- (b) That he has a legal right to transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the bill; and

(d) That he has a right to transfer the title of 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 bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

2130. The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

Indorser not a guarantor

2130a. A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

No warranty implied from accepting payment of debt.

2130b. The validity of the negotiation of a bill 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 bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion.

When negotiation not impaired by fraud, etc.

2130c. Where a person having sold, mortgaged, or pledged goods which are in the carrier's possession and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

Subsequent negotiation.

2130d. Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

Form of bill as indicating rights of buyer and seller

(a) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(b) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods.

Form of bill
as indicating
rights of
buyer and
seller.

But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(c) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(d) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is endorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Draft on
buyer by
seller of
goods.

2130e. Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

(a) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

(b) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

Negotiation
defeats
vendor's
lien.

2130f. Where a negotiable bill 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 bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such

bill of the seller's claim to a lien or right of stoppage in transitu. - Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

2130g. Except as provided in section two thousand one hundred thirty *f* of this code, nothing in this article shall limit the rights and remedies of a mortgagee or lienholder whose mortgage or lien on goods would be valid, apart from this article, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

When rights and remedies are not limited.

SUBDIVISION IV.

CRIMINAL OFFENSES.

Section 2131. Issue of bill for goods not received.

Section 2131a. Issue of bill containing false statement.

Section 2131b. Issue of duplicate bills not so marked.

Section 2131c. Negotiation of bill for mortgaged goods.

Section 2131d. Negotiation of bill when goods are not in carrier's possession.

Section 2131e. Inducing carrier to issue bill when goods have not been received.

Section 2131f. Issue of nonnegotiable bill not so marked.

2131. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, 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.

Issue of bill for goods not received.

2131a. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill 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.

Issue of bill containing false statement.

2131b. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of section two thousand one hundred twenty-six *f* of this code, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, 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.

Issue of duplicate bill not so marked.

Negotiation of bill for mortgaged goods.

2131c. Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill 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.

Negotiation of bill when goods not in carrier's possession.

2131d. Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, 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.

Bill issued when goods have not been received.

2131e. Any person who with intent to defraud secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent, or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, 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.

Issue of nonnegotiable bill not so marked.

2131f. Any person who with intent to defraud issues or aids in issuing a nonnegotiable bill without the words "not negotiable" placed plainly upon the face thereof, 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.

SUBDIVISION V.

INTERPRETATION.

- Section 2132. Rule for cases not provided for in this article.
 Section 2132a. Interpretation shall give effect to purpose of uniformity.
 Section 2132b. Definitions.
 Section 2132c. Article does not apply to existing bills.
 Section 2132d. Inconsistent legislation repealed.

Rules for cases not provided for in this article.

2132. In any case not provided for in this article, the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

Interpretation and construction.

2132a. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

2132b. (1) In this article, unless the context or subject matter otherwise requires— Definitions

“Action” includes counterclaim, set-off, and suit in equity.

“Bill” means bill of lading.

“Consignee” means the person named in the bill as the person to whom delivery of the goods is to be made.

“Consignor” means the person named in the bill as the person from whom the goods have been received for shipment.

“Goods” means merchandise or chattels in course of transportation, or which have been or are about to be transported.

“Holder” of a bill means a person who has both actual possession of such bill and a right of property therein.

“Order” means an order by indorsement on the bill.

“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 and to take as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Value” is any consideration sufficient to support a simple contract. An antecedent or preexisting obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

(2) A thing is done “in good faith,” within the meaning of this article, when it is in fact done honestly, whether it be done negligently or not.

2132c. The provisions of this article do not apply to bills made and delivered prior to the taking effect thereof. Not applicable to existing bills

SEC. 2. Article three of chapter three of title seven of part four of division three of the Civil Code is hereby repealed; *provided, however,* that nothing contained herein shall be construed as limiting in any way the powers of the railroad commission under the public utilities act, or any reenactment, revision or amendment thereof. Repealed

CHAPTER 366.

An act to amend the Political Code by adding a new section thereto to be numbered six hundred thirty-three c, relating to the power of life insurance companies to compensate their officers and other persons.

[Approved May 20, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered six hundred thirty-three c and to read as follows:

633c. No life insurance company transacting business in this state shall pay or contract to pay, directly or indirectly, to its president, vice president, secretary, treasurer, actuary, medical director or other physician charged with the duty Officers of life insurance companies not to receive commissions on policies.

of examining risks or applications for life insurance or to any officer of the company other than an agent or solicitor, any commission or other compensation contingent upon the writing or procuring of any policy of life insurance in such company or procuring an application therefor, by any person whomsoever, or contingent upon the payment of any renewal premium, or upon the assumption of any life insurance risk by such company, and should any company violate the provisions of this section, it shall be the duty of the insurance commissioner to revoke its certificate of authority to transact business in this state.

CHAPTER 367.

An act relating to actions against an insurance carrier when the insured person is insolvent or bankrupt, or without property sufficient to satisfy execution on account of loss or damage insured against, and requiring policy to be exhibited in certain cases.

[Approved May 21, 1910. In effect July 22, 1910.]

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

Action
against
insurance
carrier when
insured is
insolvent.

SECTION 1. No policy of insurance against loss or damage resulting from accident to, or injury suffered by another person and for which the person insured is liable other than a policy of insurance under the workmen's compensation, insurance and safety act of 1917 or any subsequent act on the same subject, or, against loss or damage to property caused by horses or other draught animals or any vehicle, and for which loss or damage the person insured is liable, shall be issued or delivered to any person in this state by any domestic or foreign insurance company, authorized to do business in this state, unless there shall be contained within such policy a provision that the insolvency or bankruptcy of the person insured shall not release the insurance carrier from the payment of damages for injury sustained or loss occasioned during the life of such policy and stating that in case judgment shall be secured against the insured in an action brought by the injured person or his heirs or personal representatives, in case death resulted from the accident, then an action may be brought against the company, on the policy and subject to its terms and limitations, by such injured person, his heirs or personal representatives as the case may be, to recover on said judgment. Upon any proceeding supplementary to execution, the judgment debtor may be required to exhibit any policy carried by him insuring against the loss or damage for which judgment shall have been obtained.

Exhibit of
policy.

CHAPTER 368.

An act to appropriate money to be expended under the direction of the state board of control in co-operation with the federal government to carry out the project adopted by congress for the protection of the navigability of Los Angeles and Long Beach harbors.

[Approved May 22, 1910. In effect July 22, 1919.]

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

SECTION 1. The sum of eight hundred thirty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended under the direction of the state board of control in co-operation with the federal government to carry out the project adopted by congress for the protection of Los Angeles and Long Beach harbors in accordance with the report made by the war department and printed in house document numbered four hundred sixty-two, sixty-fourth congress, first session, and in harmony with the provisions enacted, and moneys appropriated for said purposes by the forty-second session of the legislature, with such modifications and amendments as may hereafter be adopted by the war department or by congress.

Appropriation protection of Los Angeles and Long Beach harbors.

SEC. 2. Of the amount appropriated by section one, two hundred fifty thousand dollars shall be available upon the taking effect of this act and five hundred eighty thousand dollars shall be available on July 1, 1921. The amount herein appropriated shall be expended by the state board of control in such manner as will comply most fully with the requirements of the report of the war department referred to in section one hereof. To that end the said board may in its discretion cause the money herein appropriated to be paid over to the treasurer of the United States for expenditure by the war department or may enter into contracts or agreements to pay and may pay expenses that may be incurred by any other duly authorized agencies in furthering the purposes of this act.

CHAPTER 369.

An act to amend section one thousand five hundred forty-eight of the Political Code, relating to the expenses of superintendent of schools.

[Approved May 20, 1919. In effect July 22, 1919.]

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

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

Expenses of
superin-
tendent of
schools.

1548. The expenses of the office of superintendent of schools for its stationery, blank books, postage, expressage, freight telephone, telegraphing, and other necessary office expenses shall be allowed by the supervisors of the county, and paid out of the general fund of the county in the same manner as other claims against the county are paid.

CHAPTER 370.

An act to provide for the development of electrical power by irrigation districts.

[Approved May 21, 1919. In effect July 22, 1919.]

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

Irrigation
districts may
maintain
electrical
power plants.

SECTION 1. Any irrigation district heretofore organized or hereafter to be organized under the laws relating to such district may provide for the construction, operation, leasing and control of plants for the generation, distribution, sale, and lease of electrical energy, including sale to municipalities, corporations, public utility districts, or individuals, of electrical power so generated; and said district, subject however to the conditions in this section contained, may make special appropriations of water for power purposes, as required by law: *provided, however*, that any use of water for generating such electrical power or energy at any given time of the year, which use is in excess of the water appropriated and beneficially used for irrigation purposes by such district at said period of the year, shall be subject to all prior existing appropriations by any municipal corporation, who or which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated: and the officers, agents, and employees of such districts shall have the same powers, duties and liabilities respecting such power and the construction, repair, maintenance, management, and control thereof as they now have or may hereafter have respecting such irrigation or such irrigation districts. The California irrigation district act shall be so construed, applied and enforced as to apply to such power as well as such irrigation.

Management
of works.

SEC. 2. The board of directors of any irrigation district and its officers, agents, and employees, shall do all necessary and proper acts for the construction, repair, maintenance, and management of such electrical power works for such purposes.

Bonds.

SEC. 3. In case funds are not otherwise available the irrigation district may issue bonds for such purpose and all of the provisions of the California irrigation district act, relating to the issuance of bonds for other purposes in so far as the same are applicable to said bonds shall apply.

Repealed.

SEC. 4. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

CHAPTER 371.

An act to add a new section to the Penal Code, to be numbered six hundred thirty-six c, relating to the protection of fish and game, and providing for the construction of fishways on dams and other artificial obstructions in the waters of this state, and providing for furnishing of plans and specifications therefor and providing penalties for a violation thereof.

[Approved May 21, 1919. In effect July 22, 1919.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section six hundred thirty-six c, and to read as follows: Protection of fish

636c. Any person, firm or corporation owning in whole or in part, or leasing or operating or having in charge any completed dam or other artificial obstruction on any of the waters of this state in which fish have been planted or may exist, and every person, firm or corporation proposing to construct a dam or other artificial obstruction on any of the waters of this state in which fish have been planted or may exist, shall, before the alteration of said completed dam or other artificial obstruction, or before the commencement of the construction of said proposed dam or other artificial obstruction, file with the state fish and game commission a notice of intention to alter said completed dam or other artificial obstruction or to construct said proposed dam or other artificial obstruction. Notice of intention to construct or alter dams, etc
 Said notice with a plan of the proposed work annexed thereto shall state the name, length and location of the waters and the exact point upon said waters where said completed dam or other artificial obstruction to be altered or reconstructed is situated, or the said proposed dam or other artificial obstruction is to be constructed. Upon the receipt of said notice, with plan annexed thereto, it shall be the duty of the board of fish and game commissioners to examine said plans. If the proposed alteration or construction will, when finished, prevent the free passage of such fish as naturally frequent the waters upon which said proposed construction or alteration is to be built, the same procedure shall be followed as provided for in section six hundred thirty-seven of this code, in so far as the same shall be applicable.

Every person found guilty of violating any of the provisions of this section shall be punished by a fine not less than two hundred dollars or more than one thousand dollars, or by imprisonment in the county jail of the county in which the conviction shall be had not less than one hundred days or more than one year, or by both such fine and imprisonment; Penalty.
provided, that a continuance from day to day of the negligence

or refusal to equip and maintain a fishway or equip and maintain a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate such hatchery, or to plant fish, after final order duly given and made by the said board, shall constitute a separate offense. All fines and forfeitures imposed and collected for any violation of this act shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 372.

An act confirming the sale and conveyance by the board of managers of the Agnews State Hospital to Western Industries Company of a portion of real property situate in the county of Santa Clara, State of California, and belonging to the State of California.

[Approved May 21, 1919. In effect July 22, 1919.]

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

Sale of real
property by
Agnews State
Hospital
confirmed

SECTION 1. WHEREAS, On the twentieth day of April, 1909, there was duly approved a statute of the State of California, entitled:

“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”; and

WHEREAS, At the time of the enactment and approval of said statute the said Western Distilleries was a corporation organized under the laws of the State of California; and

WHEREAS, In the proceedings to that end duly had, the superior court of the State of California, in and for the city and county of San Francisco, duly gave and made its decree changing the name of Western Distilleries to Western Grain and Sugar Products Company, and thereafter the said Western Grain and Sugar Products Company was reorganized under the name of Western Industries Company, and the said Western Industries Company acquired and is the successor in interest of all franchises, properties, rights and privileges of the Western Grain and Sugar Products Company, formerly Western Distilleries Company; and

WHEREAS, The board of managers of the Agnews State Hospital duly authorized the sale of the piece and parcel of land hereinafter described, and thereupon by deed dated and executed on the thirteenth day of June, 1918, in the name of the board of managers of the Agnews State Hospital by T. S. Montgomery, president of said board, attested by I. H. Walker, secretary of said board, granted, bargained,

sold and conveyed the said piece and parcel of land hereinafter described to Western Industries Company; the said piece and parcel of land hereinafter described being a part or portion of the lands described in the statute hereinabove referred to, and the said deed having been duly recorded in the office of the county recorder of the county of Santa Clara, on June 17, 1918, in volume four hundred seventy-five of deeds, page eighty-seven, Santa Clara county records; and

Sale of real property by Agnews State Hospital confirmed.

WHEREAS, The said board of managers of the Agnews State Hospital received from the said Western Industries Company at the time of the execution of said deed, the sum of four thousand eight hundred dollars, the consideration recited in said deed; therefore

The said sale, grant and conveyance for the sum of four thousand eight hundred dollars lawful money of the United States by the said board of managers of the Agnews State Hospital by deed duly executed by the president of said board in the name of said board to said Western Industries Company, and duly recorded as above set forth, of the piece and parcel of land situate, lying and being in the county of Santa Clara, State of California, and particularly described as follows, to wit:

“Beginning at a granite monument in the center of the Montague road, set flush with the pavement; said point of beginning being the southeast corner of that certain tract of land deeded by James G. Scott to the State of California, dated March 13, 1897, and recorded in liber one hundred ninety-seven of deeds, page three hundred fourteen records of Santa Clara county, California; thence along the line between the lands of the Western Industries Company, a corporation, formerly Western Distilleries, a corporation, north twenty-four degrees fifty minutes west one thousand seventy and fifty-two hundredths feet to the center of a pine tree marked S. 1 R. 1; which tree is witnessed with concrete monuments set five feet out on the property line; thence north fifty-three degrees ten minutes west one thousand one hundred fifty-seven and fifty hundredths feet to a concrete monument with an iron bar in the center; thence south seventy-three degrees fifty minutes west one hundred four and twenty-eight hundredths feet; thence south sixty-one degrees fifty minutes west five hundred thirty-three and seven-tenths feet to a concrete monument in the south line of a lane; thence south eighty-seven degrees sixteen minutes east four hundred eighty-five and two-tenths feet to a concrete monument; thence south fifty-three degrees ten minutes east one thousand four hundred thirty-seven and nine-tenths feet to a concrete monument; thence south twenty-four degrees fifty minutes east five hundred eighty-eight feet to a point in the center of the Montague road, from which is set a concrete monument north twenty-four degrees fifty minutes west thirty feet; thence north sixty-one degrees fifty minutes east seventy-two and fifty hundredths feet to the place

Sale of real
property by
Agnews
State
Hospital
confirmed.

of beginning, containing twelve acres and being a part of that certain tract of land deeded by James G. Scott to the state, March 13, 1897, and recorded in liber one hundred ninety-seven of deeds, page three hundred fourteen records of Santa Clara county, California, and being a portion of that certain tract of land as described in act of the legislature entitled 'An act to authorize the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara county, State of California to the Western Distilleries,' approved April 20, 1909."

is approved, ratified and confirmed.

CHAPTER 373.

An act to authorize the counties of the State of California to establish retirement systems for their employees.

[Approved May 20, 1919. In effect July 22, 1919.]

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

Definitions.

SECTION 1. In this act, unless the context otherwise requires:

(a) The words "retirement system" mean the arrangements provided in this act for the payment of annuities, or the payment of total sums in lieu of annuities.

(b) The word "annuity" means the payments for life derived from money deposited by the employees and contributed by the county.

(c) The words "regular interest" mean interest calculated on March thirty-first, June thirtieth, September thirtieth and December thirty-first on payments received during the preceding quarter from the last of that quarter at four per cent per annum compounded annually on the last day of December.

(d) The word "employees" includes both appointive officers and employees of the county.

(e) The words "in continuous service" mean uninterrupted employment, except that a temporary lay-off on account of illness or for purposes of economy, a leave of absence, suspension or dismissal followed by reinstatement within one year shall not be considered as breaking the continuity of service; *provided, further*, that in case of reinstatement of any member who at the time of his separation from the service receives a refund under section six of this act, he shall be deemed to be a new entrant to the service and the monthly deductions from his salary shall be computed from the date of such reinstatement unless he shall, within ninety days from such reinstatement, return to the members' deposit reserve the amount refunded to him.

(f) The word "county" shall mean "county" or "city and county."

(g) The term "salary fund" shall mean in any city and county the fund from which salaries are ordinarily paid.

SEC. 2. There is established in each of the several counties of the state, a retirement system for its employees, as defined in section three; *provided, however*, that the provisions of this act shall become effective in any particular county only upon condition that the provisions of this act are accepted by ordinance passed by a four-fifths vote of its board of supervisors, in which event the provisions of this act shall become operative in such county on the first day of January, or on the first day of July next following the expiration of three months after the passage of said ordinance. Within thirty days after the passage of such ordinance, the clerk of the board of supervisors shall mail a certified copy of such ordinance to the insurance commissioner of this state, who shall forthwith issue a certificate that the retirement system, provided for in this act, is declared established in such county to become operative therein, as above set forth.

Retirement
system for
county
employees
established

SEC. 3. Whenever the provisions of this act shall become operative in any particular county a retirement association shall be organized as follows:

Organization
of retirement
association.

(1) Except as otherwise herein provided, all employees of the county shall become members of the association thirty days after the retirement system becomes operative, or thirty days after their entrance into the service; *provided, however*, that employees entitled to become beneficiaries under a retirement or pension system already provided by law or freeholders' charter, are exempt from the provisions of this act.

(2) No officer holding an elective office or elected by popular vote may become a member of the association.

(3) After one year subsequent to the formation of a retirement system any member who reaches or has reached the age of sixty years and who has been in the continuous service of the county for a period of ten years immediately preceding may retire, and any member who reaches the age of seventy must retire: *provided, however*, that within thirty days before reaching the age of compulsory retirement a member may be retained for a period not to exceed one year and similarly thereafter from year to year, if the head of the department or office in which he is employed, or the board or commission having power of appointment, certifies to the board of retirement that, by reason of his efficiency and willingness to remain, his further continuance would be advantageous to the public service and if such recommendation is approved by the board of retirement and the board of supervisors.

(4) After the said first year has elapsed any member who has completed a period of thirty-five years of continuous service may retire or may be retired at any age by the officer.

board or commission having power to dismiss such member if such action be deemed advisable for the good of the service.

(5) After the said first year has elapsed any member who becomes permanently disabled for any cause whether incurred in the performance of duty or otherwise shall be retired in the same manner as prescribed in subdivision (4) of this section.

(6) Membership in the association shall be evidenced by membership certificate and the right to an annuity shall be evidenced by an annuity certificate to be issued by the board of retirement.

(7) Nothing contained in this act shall be construed as in any way affecting the power of removal vested in officers, boards or commissions.

Board of
retirement.

SEC. 4. (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the county treasurer. The second member shall be a member of the association elected by the latter within thirty days after the date when the retirement system becomes operative as provided under section two, in a manner to be determined by the county board of supervisors. The third member shall be an officer or employee of the county chosen by the board of supervisors. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office of any member, a successor of the person whose place has become vacant or whose term has expired shall be chosen in the same manner as was his predecessor. Separation from the service of the county of a member of the board of retirement shall automatically vacate his office.

Compensation.

(2) The members of the board of retirement shall serve without compensation, but they shall be reimbursed out of the funds of the county, appropriated in section five (1) to defray the cost of operating the retirement system, for any expense or loss of salary or wages which they may have incurred through service on the board.

County
treasurer
shall have
control
of funds

(3) Subject to the approval of the board of retirement, the county treasurer shall have charge and control of and shall safely keep the funds of the system, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds therefrom, and any and all unappropriated income of said funds; *provided, however,* that all funds received by him not required for current disbursements shall be invested in first mortgages on improved real estate situated within the county not exceeding sixty per cent of the value thereof; or in bonds of the United States or of the State of California, or of any county, city and county, or municipal corporation, or other subdivision thereof; or deposited at interest in any state or national bank doing business within the county; *provided,* that the credit of

the county shall not be given or lent in aid of, or to, any person, association, or corporation, whether municipal or otherwise, nor shall it be pledged in any manner whatever for the payment of the liabilities of any individual, association, municipal or other corporation whatever. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto. The duties herein imposed upon the county treasurer shall be deemed a part of his official duties and for the faithful performance of which he shall be liable on his official bond.

(4) A trust fund account to be known as employees retirement fund is hereby created to be opened upon the books of the auditor and treasurer of the counties adopting a retirement system under the provisions of this act. Employees retirement fund.

All transfers or payments to the retirement system, and all withdrawals and other cash transactions, shall be accounted upon the books of the auditor and treasurer in and out of this fund account, in the manner they would be accounted if they were county transactions.

All warrants drawn on the employees retirement fund shall be signed by the treasurer and at least one other member of the board of retirement, who shall be designated by such board, but no warrant so drawn shall be valid until it has been countersigned and numbered by the county auditor and a record made of it by him.

(5) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act and such by-laws and regulations shall become effective when approved by the board of supervisors. The by-laws shall provide among other things: By-laws and regulations.

(a) For the election of officers, terms for which elected, times of meeting and all other matters relating to the administrative procedure of the board. Election of officers.

(b) In the discretion of the board, for exemption from membership of persons whose tenure is temporary, or intermittent, or part time; and for exemption from membership, or for reduced rate of deposit (which in no such case shall be less than two dollars per month) of, or by persons whose rate of compensation is less than eighty dollars per month, or by persons whose compensation is measured by a per diem wage. Exemption from membership.

(c) For the filing of a sworn statement by every person who is or who shall have become an employee of the county, showing date of birth, nature and duration of employment with the county, compensation received, and giving any other information that may be required by the board that will enable it to determine eligibility for membership and retirement. Employee's statement.

(d) For forms of membership and annuity certificates and for such other forms as may be required. Forms.

Statement
of county
treasurer to
insurance
commis-
sioner.

(6) The county treasurer in January of each year shall, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner a sworn statement which shall exhibit the financial condition of the retirement system at the close of the thirty-first day of the preceding December and its financial transactions for the year ending with such day. Such statement shall be in a form approved by the insurance commissioner and shall show the following assets and liabilities:

Assets.

A. ASSETS.

- (1) Cash on hand.
- (2) Cash on deposit.
- (3) Securities owned.
- (4) All other assets, showing each kind separately.

Liabilities.

B. LIABILITIES.

(1) Members' deposit reserve—Less than ten years—The total of the deposits of members actually received by the treasurer or due from the county under section five, (2), (a), for the first nine and a fraction years, and held subject to withdrawal by such members, together with regular interest thereon separately reported.

(2) Members' deposit reserve—Ten years and over—The total of the deposits of members who have made deposits for ten or more years actually received by the treasurer or due from the county under section five, (2), (a), and held subject to withdrawal by such members, together with regular interest thereon separately reported.

(3) County advance reserve—The unused amount advanced by the county during the first ten years under section five, (2), (d).

(4) County contribution reserve—An amount equal to the net amount of the deposits by members that have made deposits for ten or more years plus regular interest, as reported under the provision of subdivision (6), B, (2) of this section.

(5) Annuity reserve—The present worth of the combined annuities as a group entered upon under section six, on the basis of the mortality and annuity tables and regular interest rates provided for in this act. The unpaid annuities, resulting from the death of members before the full amount reserved for such annuities has been paid, shall not be deducted from this reserve but such amounts shall be used for the payment of annuities of persons exceeding their life expectancy.

(6) Prior service annuity reserve—The unexpended amount contributed by the county for the payment of annuities for prior service as provided by section six 2, B (4), and section five, (4), which must not be less than the amount of the annuities due and unpaid.

(7) Gifts and bequests—The amount received as gifts or bequests and held under the terms of such gifts or bequests.

(8) All other liabilities.

C. RESULTING SURPLUS OR DEFICIT.

- (1) Surplus if assets exceed liabilities.
- (2) Deficit if liabilities exceed assets.

Resulting
surplus or
deficit.

CREATION OF FUNDS.

SEC. 5. The funds of the retirement system shall be raised as follows: Creation of funds.

(1) Expense—The county shall appropriate annually such an amount as may be necessary to defray the entire expense of administration according to estimates prepared by the treasurer. All payments for this purpose except salaries shall be from the general fund of the county and all liabilities created hereunder shall be deemed liabilities created by law. Expense.

(2) Deposit and contribution funds—(a) Deposits by members. From the first salary or wage warrant drawn in each month in favor of each member of the association for an amount not less than four dollars, there shall be deducted, by the county auditor or other officer charged with the duty of drawing salary or wage warrants, the sum of four dollars which shall be paid by such officer to the county treasurer and placed to the credit of the member's account in the members' deposit reserve; *provided*, that where the board of retirement has, in accordance with the by-laws, permitted the exemption of certain members or the deduction of smaller amounts from their salaries or wages, the action of the board in such cases shall govern. Deductions shall not be made for any member for a period longer than twenty-five years. Deposit and contribution funds.

(b) Contributions by the county. Whenever any member has made his or her deposits for ten years during a period of not less than ten years, or whenever a member becomes permanently disabled during the first ten years of his or her membership and is entitled to an annuity or to a lump sum payment from the county under the provisions of this act, the county shall transfer to the county contribution reserve, from the county advance reserve or from the salary fund if the former is not large enough a sum equal to that contributed by such member with regular interest added thereto. Thereafter for a period not exceeding fifteen years, the county shall at the end of each month contribute a sum equal to the sum deposited by such member during that month.

(c) Whenever any member entitled to an annuity retires or is retired under the provisions of this act, during the first ten years of its operation, an amount equal to the amount deposited by such member with regular interest shall be transferred from the county advance reserve, or from the salary fund if the former is not large enough, to the county contribution reserve.

Deposit and
contribution
funds.

(d) For the first ten years after the adoption of this act by any county in this state the board of supervisors thereof shall pay or transfer to the retirement system an amount not less than one per cent of the pay roll for the preceding year, which amount shall be paid from the salary fund, and be used only for the purpose of making contributions under the provisions of section five. (2), (b), and (c).

(e) If the amount so reserved shall at the end of ten years be in excess of the amount required to be contributed under provision of this act the balance shall be used in making contributions in the following year or years.

If the amount to be contributed by the county during the tenth year after the establishment of the retirement system is greater than the amount reserved under the provisions of this subdivision, the difference shall be contributed from the salary fund.

Annuity
fund.

(3) Annuity fund—The annuity fund shall be created by transfers from the deposit and contribution funds as follows:

(a) When a member has been retired upon an annuity, the amount of his deposits plus regular interest shall be deemed transferred from the deposit fund to the annuity fund.

(b) A similar amount shall be deemed transferred from the contribution fund.

(c) The actual funds, *i. e.*, the cash and other assets of the retirement system, shall be treated as a whole and no attempt made to keep and invest separately the amounts coming in from the several sources of income, but separate reserve or other accounts shall be kept to show from what sources the income is derived and for what purpose and to show the several liabilities of the system to be paid from the funds.

Prior
service
annuity
fund.

(4) Prior service annuity fund—Upon the establishment of the retirement system and upon the first of the first month of each succeeding quarter, there shall be contributed by the county from the salary fund a sum as determined by the board of retirement equal to the total amount of prior service annuities as defined in section six 2, B. (4), that will be payable during the time that will intervene before the beginning of the next quarter.

Nothing herein contained however shall prevent a county from creating a fund for the payment of prior service annuities by dividing the total amount to be raised for this purpose as determined by the board of retirement into monthly, quarterly or annual contributions of equal amount; *provided*, that there shall always be in this fund a balance not less than the current demands against it.

DISTRIBUTION OF FUNDS.

Distribution
of funds.

SEC. 6. The county treasurer shall administer the funds of the retirement system in accordance with the following plan:

1. The cost of operation of the retirement system shall be borne by the county from funds provided under section five,

(1), and the liabilities incurred in connection therewith paid as other county charges are paid. These expenses are hereby made county charges.

2. Deposit, contribution, and annuity funds—

A. REFUNDS.

(1) Should a member separate from the service of the county for any cause except permanent disability before retirement, there shall be paid to him or, in case of death to his legal representatives, all the money that shall have been paid in by him under section five, (2), (a), with regular interest on such deposits. Refunds.

(2) The amount contributed by the county for such member with regular interest shall be transferred from the county contribution reserve to the surplus and deficit account.

B. ANNUITIES FROM EMPLOYEES' DEPOSITS AND CONTRIBUTIONS BY THE COUNTY.

(1) Any member who reaches the age of sixty years and has been in the continuous service of the county for ten years immediately preceding and then or thereafter retires or is retired, any member who retires or is retired at the age of seventy years, or thereafter, and any member who retires or is retired for the good of the service or for permanent disability under the provisions of section three, (4) and (5), shall receive a life annuity to which the sum of his deposits under section five, (2) (a), with regular interest and contributions by the county with regular interest under section five, (2), (b), and (c), shall entitle him according to the annuity tables adopted by the board of retirement in one of the following forms, at his option: Annuities.

(a) A life annuity, payable quarterly.

(b) A life annuity payable quarterly with the provision that in the event of the death of the annuitant before receiving payments equal to the sum at the date of his retirement of his deposits under section five, (2), (a), with regular interest, the difference shall be paid to his legal representatives.

(2) Annuities for permanent disability—Any member who has been retired for permanent disability as provided under section three, (5) shall receive an annuity based upon the sum of his deposits and of the county's contributions with regular interest. Except that any member who receives compensation from the county under any workmen's compensation act or by virtue of any judgment obtained against the county for permanent disability, shall in lieu of such annuity receive a refund of all the money that has been paid in by him under section five, (2), (a), with regular interest on such deposits. The annuities paid hereunder shall cease whenever, upon investigation, the board of retirement shall find that such disability has been removed, but if the member has not received a sum

Annuities.

equal to the amount he deposited with regular interest the difference shall be refunded to him.

(3) If the sum of the deposits made by an employee entitled to an annuity and the contributions by the county with regular interest do not amount to more than five hundred dollars, such amount shall be paid to the retiring employee in one lump sum in lieu of an annuity.

(4) Annuities based on prior service—Any member in the service of the county at the time this law becomes operative shall, upon being retired receive an annuity based upon an annuity reserve of such sum as the county's contributions at regular interest would have produced for the period of years, not exceeding twenty-five, that he shall have been in the actual service of the county at the date of retirement, plus the amount of the reserve created by his own deposits with regular interest. In all such cases that portion of the annuity not produced by the member's deposits and similar contributions by the county shall be paid from the prior service annuity reserve. Nothing herein contained shall prohibit any employee from paying into the retirement system any sums in excess of the regular monthly contributions. Any payment so made shall be made in accordance with rules adopted by the board of retirement, be credited to a separate and special account of the employee so making the payment, held for his sole use and benefit, and increased with regular interest as provided by this act. When a member who has made an extra deposit retires or separates from the service of the county, the amount of such extra deposit with regular interest shall be returned to him in a lump sum, or used to increase his annuity reserve and annuity, as the circumstances of each particular case may require.

(5) The amount of the surplus as of December thirty-first of each year, if there be a surplus, shall be paid into the salary fund of the county. The deficit, if there be a deficit, shall be made good by a transfer from the salary fund of the county, on order of the board of supervisors, to the fund of the retirement system.

(6) Refunds to the county shall go to the fund from which disbursements were originally made.

TAXATION, ATTACHMENTS AND ASSIGNMENTS.

Taxation,
attachments
and assign-
ments.

SEC. 7. The title to all property acquired under the provisions of this act shall be taken in the name of the county. The title to any moneys which may become due to any member shall not pass from the county to such member until such member is entitled thereto under the provisions of this act.

That portion of the wage of a member deducted or to be deducted under this act, the right of a member to an annuity, and all his rights in the fund of the retirement system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached

or taken upon execution or other process of any court. No assignment of any right in or to said funds shall be valid.

SUPERVISION BY INSURANCE COMMISSIONER.

SEC. 8. The insurance commissioner shall prescribe for each county that adopts a retirement system under the provisions of this act mortality and annuity tables based upon the rate of interest herein named and may later modify such tables or prescribe other tables to represent more accurately the cost of the annuity system, and may determine the application of the change so made. He shall also prescribe and supervise methods of bookkeeping of each retirement association formed under the provisions of this act.

Supervision
by insurance
commissioner.

The insurance commissioner shall at least once in each year, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the retirement association to ascertain its financial condition, its ability to fulfill its obligations, whether all parties in interest have complied with the provisions of law applicable to the association, and whether the transactions of the board of retirement have been in accordance with the rights and equities of those in interest. The retirement system shall be credited, in the account of its financial condition, with the amounts due from the county, under the provisions of section five, its investments with fixed maturities at amortized values, and its other investments at a reasonable valuation.

For the purposes aforesaid the insurance commissioner or other persons making examination shall have access to all the securities, books and papers of the retirement system, and may summon and administer oaths and examine as witnesses the members of the board of retirement or any other person, relative to the financial affairs, transactions and conditions of the retirement system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at such examination and the results thereof. Upon the completion of such examination, verification and valuation, the insurance commissioner shall make a report in writing of his findings to the board of retirement and shall send a copy thereof to the county board of supervisors.

SEC. 9. If, in the judgment of the insurance commissioner, the county or the board of retirement have violated or neglected to comply with any of the provisions of this act, or of the rules and regulations established by the board of retirement hereunder, he shall give notice thereof to the county and to the board of retirement, and thereafter if such violation or neglect continues shall forthwith present the facts to the attorney general for his action. It shall be the duty of the attorney general by mandamus or other proper proceedings in his own name to compel compliance with this act.

Violation
of act.

SEC. 10. The purpose of this act is to recognize a public obligation to such of its employees as may become incapacitated

Purpose
of act.

by age or long service in public employment and its accompanying physical disabilities by making provision for a retirement annuity as an additional element of compensation for future services, and at the same time to provide a means whereby public employees who may become incapacitated may be replaced by more capable employees to the betterment of the public service without prejudice and without inflicting a hardship upon the employees removed.

This act, therefore, shall be given a liberal interpretation with a view of carrying out such purpose, and it shall not be construed as a local measure or one intended as a benefit to particular persons or places.

Constitutionality.

In case any section, or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 374.

An act to amend section one thousand seven hundred forty-seven of the Political Code, relating to taxation for bonds.

[Approved May 21, 1919. In effect July 22, 1919.]

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

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

Taxation for bonds of high school district.

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 warrants drawn by the county auditor in payment thereof after he has cancelled the bonds and coupons, or upon the receipt of the registered owner if such bonds are registered, after a proper warrant has been drawn by the auditor therefor, out of the fund provided for their payment.

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.

When
district is in
more than
one county.

CHAPTER 375.

An act to amend section four thousand one hundred fifty-three of the Political Code, relating to the duties of the district attorney.

[Approved May 21, 1919. In effect July 22, 1919.]

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

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

Duties of
district
attorney.

4153. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the state or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

7. When requested by the auditor or treasurer so to do, defend or prosecute, except as hereinafter provided, any action brought by or against the auditor or treasurer for the purpose of testing the validity or constitutionality of any act of the legislature providing for the payment of county funds or funds held in trust by the county in those cases only where the interest of the county is not adverse; *provided*, that in counties having a freeholders charter creating the office of county counsel, it shall be the duty of the county counsel to defend or prosecute any such action and any and all other civil actions or proceedings in which the county or any other officer thereof is concerned or is a party.

CHAPTER 376.

An act to amend section four thousand three hundred seven of the Political Code, relating to county charges.

[Approved May 21, 1919. In effect July 22, 1919.]

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

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

4307. The following are county charges:

What constitute county charges.

1. Charges incurred against the county by virtue of any of the provisions of this title.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

11. The necessary expenses other than attorney's fees incurred by county auditors and treasurers in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the legislature providing for the payment of county funds or funds held in trust by the county.

CHAPTER 377.

An act to amend section four thousand forty-one of the Political Code, relating to the general powers of boards of supervisors.

[Approved May 20, 1919. In effect July 22, 1919.]

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

SECTION 1. Section four thousand forty-one of the Political Code be and the same is hereby amended to read as follows:

Powers of supervisors.

4041. The boards of supervisors, in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Supervise work of county officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county and particularly those charged with the assessing, collecting, safekeeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

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 clerks to issue certificates thereof; *provided*, that no election precinct shall be established or abolished or the boundaries of any election precinct changed within ninety days prior to any election.

Build roads.

4. To acquire and take by purchase, condemnation or otherwise land for the uses and purposes of public roads, highways, boulevards, turnpikes, and other public ways, and to lay out, maintain, control, construct, repair, and manage public roads, boulevards, highways, turnpikes and other public ways, and to incur a bonded indebtedness for any such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose, and two-thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand eighty-eight of this code. Said boards shall also have power to make and enforce rules and regulations for the protection, management, control and use of such public boulevards, roads, highways, turnpikes and other public ways.

4a. To construct, operate, manage or maintain summer bridges or ferries under such rules and regulations and at such times and places as they may deem necessary; such bridges or ferries to be paid for out of the county general fund.

Maintain summer bridges.

5. To lay out, maintain, control, construct, repair and manage public ferries, wharves, chutes and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon.

Maintain ferries.

6. To purchase, receive by donation, lease or otherwise acquire water rights or real or personal property necessary for the use of the county, for a court house, jail, hospital, historical museum, art gallery, art institute, stadium and almshouse, public pleasure ground, public parks, and other public purposes, and also property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to improve, preserve, take care of, manage and control the same; *provided*, that no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make such 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 that has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisorial district.

Acquire land for court house, etc.

7. To construct or lease, build or rebuild, furnish or refurnish or repair hospitals and alms-houses, court house, jail, historical museum, county free library building, branch library building, art gallery, art institute, stadium and such other public buildings as may be necessary to carry out the work of the county government, and to provide all necessary officers, employees, attendants, and supplies for the proper maintenance of the same; *provided*, that a suitable graduate or graduates in medicine shall be appointed to attend to the indigent sick or dependent poor, or to the patients in such hospitals and alms-houses provided with respect to county free libraries that are now or may be hereafter maintained either under the provisions of this section or under the provisions of an act of the legislature of the State of California entitled "An act to provide for the establishment and the maintenance of county free libraries," approved February 16, 1911, the provisions of said act shall control except as to section twelve thereof and said libraries shall be maintained under either the provisions of this section or said section twelve at the option of the board of supervisors; *provided, further*, that the board shall not let the care, maintenance, or attendance of such indigent sick or dependent

Build hospitals, etc.

Work costing over five hundred dollars done by contract.

Advertise for bids.

Award to lowest bidder.

Work may be done by day labor.

Employment of road labor.

Emergency cases.

poor by contract to any person. Whenever the cost of construction of any bridge, wharf, chute, or other shipping facilities, or of any hospital, alms-house, court house, jail, historical museum, county free library building, branch library building, art gallery, art institute, stadium or other public buildings, or the cost of any repairs thereto, or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, and any contract therefor shall be void unless the same shall be let as hereinafter provided. The board of supervisors shall adopt plans and specifications, strain-sheets and working details therefor, and must advertise for bids for the performance of the said work in a newspaper of general circulation published in the county for at least twenty days. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least twenty days. All bidders shall be afforded opportunity to examine such plans and specifications, strain-sheets and working details, and said board shall award the contract to the lowest responsible bidder, and the person, firm or corporation to whom the contract shall be awarded must perform the work in accordance with the said plans and specifications, strain-sheets and working details, unless the same be modified by a unanimous vote of the members of the board of supervisors; and in every such case if the cost of the work be reduced by reason of the modification, compensation must be made to the county therefor, and the person, firm, or corporation, to whom the contract shall be awarded must execute a bond to be approved by the said board for the faithful performance of such contract; *provided*, that for the construction of any bridge, wharf, chute, or other shipping facilities, or any repairs thereto if the board of supervisors shall be advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and direction of the said surveyor; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; *provided, further*, that in cases of great emergency, caused by flood, fire, earthquake, or act of God, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without adopting the plans and specifications, strain-sheets, or working details, or giving notice for bids to let contract; the work to be done by day labor under the direction of the board or by contract, or by a combination of the two; if wholly or in part by contract, the contractor to be paid the actual-cost of material and labor expended by him in doing the work, plus fifteen per cent to cover all profits, supervision, use of machinery, and tools, and other expenses; *provided*, that no more than the

lowest current market prices shall be paid for material; *provided, however*, that in counties employing a purchasing agent that furnishings, materials and supplies used in the work mentioned in this subdivision costing not more than one thousand dollars, may be purchased by said purchasing agent in accordance with the provisions of subdivision twenty-one of this section without the formality of obtaining bids, letting contracts, preparing specifications, and doing the other things required by this section for purchases costing more than five hundred dollars.

In counties having purchasing agent.

8. To provide a farm in connection with the county hospital or almshouse and make regulations for working the same.

Provide poor farm.

9. To purchase, acquire, construct, equip and maintain all necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other machinery necessary or proper to facilitate the performance of the work in the county.

Maintain necessary machinery.

9a. To purchase, lease, construct or otherwise acquire, own, operate, manage and control, in any county in the state, cement manufacturing plant; and to sell the products of the same in such manner and upon such terms and conditions as to them shall be deemed proper; *provided*, that the State of California and municipal or public corporations of the state shall have a preferred right at the same price as the products are offered to private persons to purchase the same; and to purchase, lease, or otherwise acquire real or personal property to be used in connection with such plant; *provided, however*, that no such plant shall be purchased, leased, or otherwise acquired, neither shall said works be constructed on real or personal property purchased or acquired until notice of the intention to make such purchase or construct such works shall have been given for a period of thirty days by publication in a newspaper of general circulation published within the county or, if there be none, then by posting a notice for said period in a conspicuous place in three public places in the county; such notice shall contain a description of the property to be purchased or works to be constructed, a statement of the amount of money to be invested, the terms upon which it is to be invested and the time when the proposition will come before the board of supervisors to be acted upon.

Acquire cement plants.

10. To sell at public auction, at the court-house door or at such other place within the county as the board may, by four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in three public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that

Sell county property no longer needed.

purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors.

Audit
accounts.

11. To examine and audit, at least every twelve months the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county or moneys received or disbursed by them under authority of law.

Allow
charges
against
county.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

Levy taxes.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

Maintain
public
grounds.

14. To maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint pound keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Equalize
assessments.
Direct
county suits.

15. To equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party and by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

Insure
buildings.

17. To insure the county buildings and other property in the name and for the benefit of the county.

Establish
salary fund.

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.

Fill
vacancies.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

Reproduce
county
records.

20. To employ the copyists necessary to reproduce any of the county records and indices thereto that may have been lost or destroyed by conflagration, public calamity or otherwise, or that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.

Employ
purchasing
agent.

21. To employ a purchasing agent, whose duties shall be to purchase for the county and the offices thereof all stationery, clothing, bedding, groceries, provisions, drugs, medicines, furnish machinery, implements, and all other personal property; material or supplies, the same to be purchased only

upon a proper requisition therefor; also employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duty; *provided*, that the purchasing agent may engage independent contractors to perform sundry services for the county with or without furnishing material where the aggregate cost does not exceed fifty dollars, such services to be ordered upon proper requisition as herein provided.

22. Whenever a board of supervisors shall employ a purchasing agent as herein provided for it shall not be necessary for them to advertise for bids for furnishing county supplies as provided in section four thousand forty-eight of the Political Code, with the exception of advertising.

Advertising
for bids.

23. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary and the supervisors may attend annual state meetings of the state supervisors association and shall be allowed their actual expenses, in going to, attendance upon and returning from any such state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business.

Make own
regulations.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

Adopt a seal.

25. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor or marine of the United States who is unable to obtain a livelihood by manual labor, shall have the right to 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.

License
business.

Soldiers
licensed
without fee.

26. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Destroy
pests.

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Protect
sheep.

28. To provide, by ordinances, not in conflict with the general laws of the state, for the protection of fish and game, and

Protect fish
and game.

may shorten the season for taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

Work
prisoners.

29. To provide for the working of prisoners, confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

Care for
poor.

29a. To provide for the care and maintenance of the indigent sick or dependent poor of the county, and for such purpose to levy the necessary property or poll taxes, or both.

Bury
indigent
dead.

30. To provide for the burying of the indigent dead.

Make local
police
regulations.

31. To make and enforce, within the limits of their county, all such local police, sanitary and other regulations as are not in conflict with general laws.

Make rules
for storing
gunpowder.

32. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require.

Levy tax for
advertising.

33. To levy a special tax not to exceed two cents on the \$100 of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing or other resources of the county; *provided, however*, that if said rate of two cents will not raise \$5,000 in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the two cent levy and \$5,000; *and provided, further*, that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used for collecting, preparing and maintaining an exhibition in any domestic or foreign exposition.

Levy tax for
public com-
fort stations.

33a. To levy a special tax not to exceed five cents on the one hundred dollars of the assessed valuation of all property within the county, to be used for the erection of public comfort stations.

Regulate
width of
wagon tires.

34. To enforce, by ordinance, within the limits of their counties all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

License toll
roads, etc.

35. To grant licenses and franchises for the construction, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon

such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to prevent the least possible obstruction and inconvenience to the traveling public.

36. To grant, on such terms, conditions and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted; *provided*, that the provision of any general law applicable to the granting of franchises by municipal corporations and counties throughout the state shall be complied with in the granting of any franchise by the board of supervisors.

Take tolls
on public
roads.

37. To enact ordinances and regulations for the construction, alteration, repair and control of all public roads and highways in the county, unless otherwise provided by law.

Repair roads.

38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads of such district. To levy a special sanitary tax, not to exceed one-half ($\frac{1}{2}$) mill on the one dollar 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.

Levy road
fund tax.

Levy sani-
tary tax.

39. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Encourage
tree planting.

Assume
municipal
functions.

39a. To assume and discharge such municipal functions of the cities and towns within the county as may be authorized by any county charter framed under the provisions of section seven and one-half of article eleven of the constitution of the State of California.

Protect
river banks.

40. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy and collection within such districts of a tax therefor. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

Protect
against fire.

Sell maps.

40a. To provide for the sale, at not less than cost, of copies of such maps as may be prepared by the surveyor for the use of the assessor under the provisions of section four thousand two hundred eighteen of the Political Code of California, as may be deemed desirable by the board of supervisors.

No other
acts required.

41. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

CHAPTER 378.

An act to provide for a judicial determination of whether or not certain lands have been forfeited to the state under the provisions of an act entitled "An act to provide for the forfeiture of certain lands to the state in the event of the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, as well as for the forfeiture of all moneys previously paid thereon, whether for principal or interest; prescribing the duties of certain public officers with respect thereto; providing for the giving of notice hereof; prescribing certain remedies; and making an appropriation for the purposes of

this act," approved May 24, 1917, and to provide for reinstatement of delinquent purchasers in certain cases.

[Approved May 20, 1919. In effect July 22, 1919.]

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

SECTION 1. In the event that any lands shall appear to have been or to be forfeited under any of the provisions of the act entitled "An act to provide for the forfeiture of certain lands to the state in the event of the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, as well as for the forfeiture of all moneys previously paid thereon, whether for principal or interest; prescribing the duties of certain public officers with respect thereto; providing for the giving of notice hereof; prescribing certain remedies and making an appropriation for the purposes of this act," approved May 24, 1917, when in fact all interest, costs, penalties, and accruing interest due and payable thereon and thereunder had been actually paid or in good faith tendered prior to such forfeiture, though for any reason not properly credited or accepted, the person or persons having a beneficial interest therein may, within one year from the taking effect of this act, commence an action in the superior court of the county of Sacramento against the register of the state land office for the purpose of having such forfeiture annulled and set aside. And if it be proven to the satisfaction of the court, at the trial of such action, that such payment was in fact made or tendered prior to the date upon which such forfeiture occurred, the court shall render judgment annulling and setting aside such forfeiture, and thereupon the plaintiff or plaintiffs in such action shall be restored to his or their former estate in said land, upon making payment of all interest accruing thereon to the date of restoration; *provided, nevertheless*, that where such tender was made after the commencement of proceedings to foreclose the certificate of purchase under which said interest was delinquent, and was refused upon the ground that the costs of said proceedings and district attorneys fees had not been paid, then, in that event, the said person or persons having such beneficial interest, shall, upon payment to the county treasurer of the county in which the land is situated, not later than December 31, 1919, of the amount so tendered together with such costs and attorneys fees, accrued to the time of such tender, be forthwith restored to his or their former estate in said land without the necessity of commencing such action.

Action to have forfeiture of lands annulled.

Reinstatement of purchasers.

CHAPTER 379.

An act to amend section one thousand seven hundred forty-three of the Political Code, relating to high school principals.

[Approved May 21, 1919. In effect July 22, 1919.]

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

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

High school principal may act as principal of elementary school.

1743. The principal of any high school may act as principal of any elementary school situated in said high school district; or as supervising principal of two or more elementary schools situated within said high school district, without regard to the number of teachers employed in each of said elementary schools, if so desired by the trustees of said elementary school district or districts and the high school board of trustees; *provided*, that said high school principal shall not enter into any contract to render such service to any elementary school except the one in the district in which the high school is located without the approval of the county superintendent of schools.

Annual report of principal.

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 total number of new pupils enrolled during the year, the names of all pupils residing in elementary school districts not embraced in any high school district, and attending such high school, such names being segregated according to the districts in which such pupils reside, and such other information as may be required by the superintendent of public instruction or the county superintendent of schools.

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 and other data for each county separately shall be given in said report.

Report of textbooks.

The principal of every high school, shall, annually, during the month of October, make out under oath and deliver to the state board of education, and to the county superintendent of schools, a full and complete report of textbooks then in use in such high school, the courses of study offered, the requirements for graduation, the names of teachers employed, the

subject taught by each teacher, the grade of certificate held by each, and the salary paid to each, and such other information as may be required by the state board of education.

If such report is not filed with the state board of education, on or before October thirty-first, the state board of education shall notify the county superintendent of schools having jurisdiction of the high school failing to report, and it shall thereupon be the duty of such county superintendent of schools to withhold the salary of the principal of such high school until he has been notified by the state board of education that such report has been filed as required by this section.

Failure to
file report.

CHAPTER 380.

An act appropriating money to repair sewers and surface drains at the Sonoma State Home.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of twenty-six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs to sewers and surface drains at the Sonoma State Home.

Appropriation: repairs at Sonoma State Home.

CHAPTER 381.

An act appropriating money for the purchase of equipment at the Sonoma State Home.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of equipment at the Sonoma State Home.

Appropriation: equipment for Sonoma State Home.

CHAPTER 382.

An act to provide readers for blind students in the University of California and junior college and to assist deaf students attending the National College for the Deaf at Washington, D. C., and making an appropriation therefor.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: readers for California School for Deaf and Blind.

SECTION 1. The sum of four thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended under the supervision of the board of directors of the California School for the Deaf and the Blind, during the biennial period ending June 30, 1921, in providing readers for blind persons who shall be residents of the State of California and graduates of the California School for the Deaf and the Blind, and who shall regularly matriculate in, and work for a degree in the University of California or junior colleges, and in defraying the expenses of deaf persons who shall be citizens of the State of California, and graduates of the California School for the Deaf and the Blind, taking a collegiate course of instruction in the National College for the Deaf at Washington, D. C.; *provided, however*, that no more than three hundred dollars shall be expended for any one student during any one school year.

CHAPTER 383.

An act appropriating money to purchase books for the blind at the California School for the Deaf and Blind.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: books for California School for Deaf and Blind.

SECTION 1. The sum of one thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money of the state treasury not otherwise appropriated to be used in accordance with law for the purchase of books for the blind to be used for textbooks and other school purposes in the California School for the Deaf and Blind.

CHAPTER 384.

An act appropriating money for repairs, improvements and equipment at the California School for the Deaf and Blind.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of nine thousand three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money of the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the California School for the Deaf and Blind. Appropriation: repairs at California School for Deaf and Blind

CHAPTER 385.

An act making an appropriation for a portrait of John M. Eshleman, and directing the state board of control to carry out the provisions hereof.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The state board of control is hereby directed to engage a competent artist to paint an oil portrait of John M. Eshleman, said portrait to be properly framed and to be hung in an appropriate place in the state capitol. Portrait of John M. Eshleman.

SEC. 2. The sum of five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, to carry out the provisions of this act. Appropriation.

CHAPTER 386.

An act appropriating money for the purpose of insuring the state printing plant.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended in accordance with law for the purpose of insuring the state printing plant. Appropriation insuring state printing plant

CHAPTER 387.

An act appropriating one thousand five hundred dollars for the preservation and rebuilding of the blacksmith shop of James W. Marshall, located at Kelsey, El Dorado county, California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: preservation of James W. Marshall blacksmith shop.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand five hundred dollars to be expended in accordance with law for the preservation and rebuilding of the James W. Marshall blacksmith shop, located at Kelsey, El Dorado county, California; the work of preservation to be under the direction and control of the Native Daughters of the Golden West.

CHAPTER 388.

An act appropriating money for the construction of cottages at the California School for Girls.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: cottages at California School for Girls.

SECTION 1. The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of cottages at the California School for Girls.

CHAPTER 389.

An act appropriating money for farm buildings at the California School for Girls.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: farm buildings at California School for Girls.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for farm buildings at the California School for Girls.

CHAPTER 390.

An act appropriating money for the support of the department of sanitary engineering under the direction of the state board of health for the seventy-first and seventy-second fiscal years.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the support of the department of sanitary engineering under the direction of the state board of health for the seventy-first and seventy-second fiscal years.

Appropriation: department of sanitary engineering.

CHAPTER 391.

An act appropriating money for improvements to the heating plant at the San Jose State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of seven hundred ten dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements to the heating plant at the San Jose State Normal School.

Appropriation: heating plant at San Jose State Normal School.

CHAPTER 392.

An act making an appropriation to pay the claim of O. P. Dodds against the State of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of fifty-nine dollars and twenty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of O. P. Dodds against the State of California.

Appropriation: claim of O. P. Dodds.

CHAPTER 393.

An act making an appropriation to pay the claim of Frank J. Rumpf against the State of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: claim of Frank J. Rumpf.

SECTION 1. The sum of one hundred forty-nine dollars and fifty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Frank J. Rumpf against the State of California.

CHAPTER 394.

An act appropriating money for the completion and equipment of the tubercular hospital building at the Stockton State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: building at Stockton State Hospital.

SECTION 1. The sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the completion and equipment of the tubercular hospital building at the Stockton State Hospital.

CHAPTER 395.

An act appropriating money for repairs to buildings and equipment at the San Francisco State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at San Francisco State Normal School.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs to buildings and equipment at the San Francisco State Normal School.

CHAPTER 396.

An act appropriating money for electrical construction and equipment at the Folsom State Prison.

[Approved May 22, 1919. In effect July 22, 1919.]

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

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 to be used in accordance with law for electrical construction and equipment at the Folsom State Prison.

Appropriation: electrical equipment at Folsom State Prison.

CHAPTER 397.

An act appropriating money for improvement to the heating plant at the Napa State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvement to the heating plant at the Napa State Hospital.

Appropriation: heating plant at Napa State Hospital.

CHAPTER 398.

An act appropriating money for the construction of a sewage system on the farm at the Stockton State Hospital.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of a sewage system on the farm at the Stockton State Hospital.

Appropriation: sewage system at Stockton State Hospital.

CHAPTER 399.

An act appropriating money for repairs and alterations at the Stockton State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at Stockton State Hospital.

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs and alterations at the Stockton State Hospital.

CHAPTER 400.

An act appropriating money for repairs, improvements and equipment at the Preston School of Industry.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: repairs at Preston School of Industry.

SECTION 1. The sum of fifty-seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the Preston School of Industry.

CHAPTER 401.

An act appropriating money for the completion of electrical installation at San Quentin State Prison.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: electrical installation at San Quentin State Prison.

SECTION 1. The sum of six thousand six hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the completion of electrical installation at San Quentin State Prison.

CHAPTER 402.

An act appropriating money for improvement to heating plant at Agnews State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvement to heating plant at Agnews State Hospital.

Appropriation: heating plant at Agnews State Hospital.

CHAPTER 403.

An act appropriating money for the reconstruction of ward seven at the Mendocino State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the reconstruction of ward number seven at the Mendocino State Hospital.

Appropriation: ward at Mendocino State Hospital.

CHAPTER 404.

An act appropriating money for sundry improvements on the state property at the Mendocino State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for sundry improvements on the state property at the Mendocino State Hospital.

Appropriation: improvements at Mendocino State Hospital.

CHAPTER 405.

An act appropriating money for the maintenance and support of the Los Angeles exposition.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: support of Los Angeles exposition.

SECTION 1. The sum of fifty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the maintenance and support of the Los Angeles exposition.

CHAPTER 406.

An act appropriating money for repairs to buildings at the Los Angeles State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at Los Angeles State Normal School.

SECTION 1. The sum of one thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs to buildings at the Los Angeles State Normal School.

CHAPTER 407.

An act to amend section twelve of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Stats. 1913, p. 1058.

SECTION 1. Section twelve of the act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also

to provide for the distribution and sale of water by said districts," approved June 10, 1913, is hereby amended to read as follows:

Sec. 12. Any county water district incorporated as herein provided, shall have power: Powers of district.

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction; Sue and be sued.

3. To adopt a seal and alter it at pleasure; Adopt seal.

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; Hold property.

5. To acquire, by purchase, lease or otherwise, water rights, waterworks, canals, conduits, reservoirs, storage sites, watersheds, works, machinery, lands, rights and privileges, useful or necessary to convey, supply, store, or otherwise, make use of water for irrigation, power, or other useful purpose, and to operate and maintain such water rights, waterworks, canals, conduits, reservoirs, storage sites, watersheds, works, machinery, lands, rights, and privileges, for the uses aforesaid, for the benefit of the district; Acquire waterworks.

6. To store water for the benefit of the district; and to conserve water for future use and to appropriate, acquire and preserve water and water rights and for this purpose to sue, intervene and compromise, in the name of the district, and assume the costs of litigation involving the ownership of waters or water rights within the district and those used and useful for the purposes of the district or of any of the lands situated therein; to maintain and defend actions to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters being used for irrigation of lands within the district or which are a benefit essentially common to the lands within the district or its inhabitants; and to maintain and defend actions to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district. Store water.

7. To lease of and from any person, firm, or public or private corporation, with the privilege of purchase, or otherwise, existing water rights, waterworks, canal, or reservoir systems; and to carry on and maintain the same; also to sell water, or the use thereof, for irrigation, power, or other useful purposes, and whenever there is a surplus, sell, or otherwise, dispose of the same, to municipalities, or towns, or to consumers, located within or without the boundaries of the district; Lease waterworks.

8. To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and Right of eminent domain.

may condemn any existing water rights, canals, reservoirs, storage sites, watersheds, waterworks or systems, or any portion thereof owned by any person, firm or corporation; *provided*, that property and water rights of municipal corporations shall not be subject to the provisions of this section. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

Borrow money.

9. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

Levy taxes.

10. To cause taxes to be levied for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;

Make contracts.

11. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

CHAPTER 408.

An act appropriating money for painting the buildings at the Humboldt State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: painting at Humboldt State Normal School.

SECTION 1. The sum of six hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the painting of the buildings at the Humboldt State Normal School.

CHAPTER 409.

An act to provide for the prevention of forest fires in the San Antonio canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: prevention of forest fires in San Antonio canyon.

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of five thousand dollars during the seventy-first and seventy-second fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in

the San Antonio canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio Fruit Exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Antonio canyon from devastation by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said San Antonio Fruit Exchange, the San Antonio Water Company, and the counties of San Bernardino and Los Angeles, in collaboration with the specific work named above; *provided, further*, that in the event that the said San Antonio Fruit Exchange, San Antonio Water Company, the county of San Bernardino or the county of Los Angeles do not contribute an amount equal to the appropriation hereby made for the purposes hereinbefore specified, the state board of control shall not have power to enter into such contract or contracts with the said San Antonio Fruit Exchange for such expenditure of said money.

Contracts for purposes of protection.

CHAPTER 410.

An act appropriating money to pay traveling expenses incurred by county treasurers in making settlements with the state.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the traveling expenses incurred by county treasurers in making settlements with the state, during the seventy-first and seventy-second fiscal years.

Appropriation: traveling expenses of county treasurers.

CHAPTER 411.

An act appropriating money for repairs and improvements to buildings and equipment at the San Diego State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvements to buildings and equipment at the San Diego State Normal School.

Appropriation: repairs at San Diego State Normal School.

CHAPTER 412.

An act repealing sections one, two, and three of an act entitled "An act to establish a branch state normal school," approved March 11, 1881, abolishing the branch of the state normal school at Los Angeles, transferring its properties to the regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Stats. 1881,
p. 89.

SECTION 1. Sections one, two, and three of an act entitled, "An act to establish a branch state normal school," approved March 14, 1881, and acts amendatory thereto are hereby repealed and the existence of the branch state normal school at Los Angeles, hereinafter referred to as the Los Angeles State Normal School, is hereby terminated, to be effective upon the taking effect of this act.

Properties
transferred
to regents of
University of
California.

SEC. 2. All properties of the Los Angeles State Normal School including all moneys heretofore appropriated and unexpended, or which may hereafter be appropriated and remain unexpended, are hereby transferred to and vested in the regents of the University of California, subject to the conditions specified in section six of this act.

The regents of the University of California shall be subject to no debts or liabilities which may heretofore have accrued or which may hereafter accrue against the said Los Angeles State Normal School beyond the amount of said unexpended appropriations.

Branch of
University of
California to
be main-
tained at
Los Angeles.

SEC. 3. In the place and stead and on the site of the Los Angeles State Normal School the regents of the University of California shall, during the year commencing July 1, 1919, and thereafter, maintain and conduct at Los Angeles a branch of the University of California under such designation as shall be fixed by the regents for the purpose of providing, and at which the regents shall provide such freshman and sophomore courses of university grade as they may from time to time deem proper; and at which there shall also be given courses designed to prepare students for the profession of public instruction in the kindergartens, elementary and intermediate schools of the State of California. Persons worthily completing said last-named courses, if said courses comply with the minimum requirements fixed by the state board of education of California, shall receive credentials to that effect, which said credentials shall entitle the holders thereof to equal rights and privileges with the holders of diplomas of graduation

from the normal schools in securing certificates to teach in the schools of this state.

Courses leading to special high school certificates shall also be given and when such courses are duly accredited by the state board of education persons worthily completing the same shall receive credentials therefor from the regents which shall be of equal value in securing special certificates to teach in the secondary schools of this state with credentials given for the completion of such general courses in any of the normal schools.

SEC. 4. The board of trustees of the Los Angeles State Normal School are hereby authorized and directed to take such measures as shall be directed or approved by the regents of the University of California for the accomplishment of the purposes of this act. Measures by board of trustees.

SEC. 5. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended under the direction of the regents of the University of California, the sum of forty-one thousand dollars for the conduct and maintenance of the said institution during the fiscal year beginning July 1, 1919, and the fiscal year next succeeding, providing the regents of the University of California shall be empowered to limit the total enrollment of students in said branch of the university during the said fiscal years in order that the financial provisions of this act may be sufficient to supply the usual university grade of education. Appropriation.

SEC. 6. Upon the failure to maintain the courses and give the instruction as provided in section three of this act, the properties granted by section two of this act shall immediately revert to the State of California and the control of the same by the regents of the state university shall close. Failure to comply with provisions of act.

CHAPTER 413.

An act appropriating money to pay the claim of James Gallagher, executor, against the State of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of one hundred fourteen dollars and thirty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of James Gallagher in satisfaction of a judgment against the State of California. Appropriation: claim of James Gallagher.

CHAPTER 414.

An act appropriating money for the use of the state board of forestry in preventing and fighting forest, brush, grass and grain fires.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: prevention and fighting of forest fires.

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 by the state board of forestry in preventing and fighting forest, brush, grass and grain fires within the State of California. To this end the said board with the approval of the state board of control may enter into co-operative agreements with proper representatives of the United States government, or with counties, municipalities, or individuals.

CHAPTER 415.

An act appropriating money for the use of the state commission in lunacy in meeting the expenses of deporting insane persons who belong in other states or countries.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: deporting insane persons.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the use of the state commission in lunacy in meeting the expenses of deporting insane persons who belong in other states or countries.

CHAPTER 416.

An act to add a new section to the Political Code to be numbered five hundred ninety-four and one-half, relating to the receiving of grants of property by charitable, religious, benevolent and educational societies, corporations, institutions or associations, the object and purpose of which is not pecuniary profit, conditioned upon an agreement to pay an annuity to the grantor, or some other person or persons designated by the grantor; providing for the issuance by the insurance commissioner of permits to receive such

grants and for the establishment and maintenance by such societies, corporations, institutions or associations of reserve funds sufficient to safeguard such annuities.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. There is hereby added to the Political Code a new section to be numbered five hundred ninety-four and one-half and to read as follows:

594½. Any charitable, religious, benevolent or educational society, corporation, institution or association (pecuniary profit not being its object or purpose) which shall have been in active operation for at least ten years and which has obtained from the insurance commissioner a permit or certificate of authority so to do, may receive grants of property, real or personal, conditioned upon its agreement to pay an annuity to the grantor, or any other person or persons designated by the grantor.

Religious corporations, etc., may receive grants on condition to pay annuity.

Upon granting to such society, corporation, institution or association a permit or certificate of authority to receive such grants, the insurance commissioner shall require such society, corporation, institution or association to establish and maintain a reserve fund in such amount as he may deem sufficient to safeguard such annuities and for any failure so to do he shall revoke such permit or certificate of authority; but such society, corporation, institution or association shall be otherwise exempt from the insurance laws of this state.

CHAPTER 417.

An act to pay claims accruing in the operation of the cafeteria at Los Angeles State Normal School.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand one hundred fifty-four dollars and ninety cents to pay claims accruing in the operation of the cafeteria at the Los Angeles State Normal School.

Appropriation: claims against Los Angeles State Normal School.

CHAPTER 418.

An act appropriating the sum of eight thousand five hundred dollars to defray the expenses for medical, surgical, dental, and hospital care and treatment incurred, during the seventieth fiscal year, in the removal of physical disqualifications and in the rehabilitation of certain California men examined for federal military service and rejected by reason of physical defects under the operation of the United States selective service law.

[Approved May 23, 1919. In effect immediately.]

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

Appropriation: expenses of medical treatment, etc., of men under selective service law.

SECTION 1. The sum of eight thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to defray the expenses for medical, surgical, dental, and hospital care and treatment incurred, during the seventieth fiscal year, in the removal of physical disqualifications and in the rehabilitation of certain California men examined for federal military service and rejected by reason of physical defects under the operation of the United States selective service law.

Claims against appropriation.

SEC. 2. All proper claims against this appropriation will be audited and allowed by the state board of control, and the state controller is authorized to draw his warrants and the state treasurer to pay the same in favor of claimants.

Urgency measure.

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 419.

An act reappropriating money from the balance in the support appropriation of the state water commission for the purpose of making a water study on the Santa Ana river in co-operation with the United States geological survey, the United States forest service, the United States weather bureau, and the counties of San Bernardino, Riverside, and Orange, in the State of California.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: water study on Santa Ana river.

SECTION 1. Out of any balance remaining in the appropriation for the support of the state water commission for the sixty-ninth and seventieth fiscal years the sum of five thousand dollars is hereby reappropriated and made available for

the use of said commission during the seventy-first and seventy-second fiscal years in making a water study on the Santa Ana river and its tributaries in the State of California, in co-operation with the United States geological survey, the United States forest service, the United States weather bureau, and the counties of San Bernardino, Riverside and Orange, in the State of California.

CHAPTER 420.

An act appropriating money for the purchase of additional land for the Napa State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The board of managers of the Napa State Hospital is hereby authorized to purchase in the name of the state and for the use of said hospital the tract of land adjoining the Napa state farm, containing fifteen acres and particularly described as follows, to wit: Purchase of land by Napa State Hospital.

Bounded on the north by tract two of the Napa state farm; on the west by the Napa river; on the south by lots thirteen and fourteen, block B, Camus land survey; and on the east by Conn creek; together with all fences, buildings, orchards, and permanent improvements thereon.

SEC. 2. For the purpose of carrying out the provisions of this act, the board of managers of the Napa State Hospital is hereby authorized to appropriate and expend from the contingent fund of the Napa State Farm the sum of ten thousand dollars; *provided, however,* that before completing said purchase the attorney general shall approve the title to said tract of land and the deeds of conveyance of the same to the state. Appropriation for purchase.

CHAPTER 421.

An act to regulate certain trade schools, and to include within the term "employment agency" certain trade schools or classes of instruction for the teaching of the whole or part of any trade, art, science, or occupation requiring special skill, and making such agencies subject to the laws and regulations relating to private employment agencies.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. Any person, firm, association, or corporation who conducts for gain any trade school or classes of instruction for the teaching in whole or in part of any trade, art, Regulation of trade schools.

science, or occupation requiring special skill, and who, for gain or hire furnishes or agrees to furnish in connection therewith facilities or information to pupils and employers of labor whereby the labor or services of any such pupils are engaged to be employed in the trade, art, science or occupation thus taught at stipulated wages or other valuable consideration, shall be held to conduct a private employment agency and be subject to all the laws and regulations governing such agencies.

Application
of act.

SEC. 2. Nothing contained in this act shall apply to trade schools or classes of instruction conducted by or in connection with any public school, public institution, parochial school, charitable school or institution, private business schools teaching shorthand, typewriting, bookkeeping, mechanical and other usual business subjects or trades schools connected therewith or any school employing teachers having certificates issued by the public school authorities to teach any particular trade, art, science or occupation.

CHAPTER 422.

An act reappropriating money for the construction and equipment of a machine and blacksmith shop at the Folsom state prison.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation:
machine and
blacksmith
shop at
Folsom State
Prison.

SECTION 1. The sum of four thousand dollars appropriated by an act entitled "An act appropriating money for the purchase of new machinery and equipment for the machine and blacksmith shops at the Folsom state prison," approved May 14, 1917, is hereby reappropriated for the construction and equipment of a machine and blacksmith shop at the Folsom state prison.

CHAPTER 423.

An act to promote the utilization of the water of streams in this state and for that purpose authorizing the storage of the same underground and the damming of streams and the flowage of lands in effecting such storage for beneficial use.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Storage of
water under
ground
declared
beneficial
use.

SECTION 1. The storing of water underground by the owner of the right to the use thereof, and the damming of streams and the flowing of water on lands necessary to the accomplishment of such storage, if the water is to be later

withdrawn by pumps, tunnels, or other suitable means for irrigation, domestic or other beneficial uses within the territory served by the owners of the water right, with water for irrigation, domestic or other beneficial uses are hereby declared to be reasonable, economic, and beneficial methods of taking and applying such water, if the water so taken is from time to time being put to the beneficial uses for which it was appropriated.

SEC. 2. Each appropriation heretofore made or consummated in the manner and for the purposes hereby authorized is hereby recognized and validated to the same extent and with the same force as if made or consummated pursuant to the provisions hereof, so far as the same is possible without injury to existing rights. Previous appropriations validated

SEC. 3. None of the provisions hereof shall apply to the use of artesian well water or affect riparian rights in any way. Application of act.

CHAPTER 424.

An act appropriating money for the support of the citrus experiment station of the University of California at Riverside.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with the law for the support during the biennial period ending June 30, 1921, of the citrus experiment station of the University of California at Riverside, and to be expended for that purpose by the regents of the University of California. Appropriation: support of Riverside citrus experiment station.

CHAPTER 425.

An act appropriating money for co-operation with the United States government under the provisions of an act of congress of the United States entitled "An act to provide for the co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of congress approved July 2, 1862, and of acts supplementary thereto and the United States department of agriculture," approved by the President of the United States May 18, 1914.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: agricultural extension work.

SECTION 1. The sum of one hundred four thousand eight hundred fifty-six dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in agricultural extension work in co-operation with the United States government under the provisions of an act of congress of the United States entitled: "An act to provide for the co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of congress approved July 2, 1862, and of acts supplementary thereto and the United States department of agriculture," approved by the President of the United States May 18, 1914.

CHAPTER 426.

An act appropriating money for the payment of salaries at the University of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: salaries at University of California.

SECTION 1. The sum of seventy-four thousand seven hundred twenty-five dollars for the fiscal year beginning July 1, 1919, and the same amount for each fiscal year thereafter, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used for the payment of salaries at the University of California and to be expended for that purpose by the regents of the University of California.

CHAPTER 427.

An act amending an act entitled "An act providing a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill and repealing the act entitled 'An act to provide a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill' approved March 15, 1901," approved June 6, 1913.

[Approved May 22, 1910. In effect July 22, 1910.]

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

SECTION 1. The title of the act entitled "An act providing a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill and repealing the act entitled 'An act to provide a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill,' approved March 15, 1901," approved June 6, 1913, is hereby amended so as to read: "An act providing a continuous appropriation for the support and maintenance of the University of California and repealing the act entitled 'An act to provide a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill' approved March 15, 1901."

Stats. 1913,
p. 905.

SEC. 2. Section two of said act approved June 6, 1913, is hereby amended to read as follows:

Stats. 1913,
p. 905.

SEC. 2. In addition to all other sums of money or funds provided for the support and maintenance of the University of California, and commencing with the seventy-first fiscal year, there is hereby appropriated for such support and maintenance for each biennial period the sum of four hundred thousand dollars.

Appropriation: maintenance of University of California.

CHAPTER 428.

An act appropriating money for the support of the medical school of the University of California.

[Approved May 23, 1910. In effect July 23, 1910.]

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

SECTION 1. The sum of fifty thousand dollars, for the fiscal year beginning July 1, 1919, and the same amount for each fiscal year thereafter, or so much thereof as may be necessary, is hereby appropriated out of any money in the state

Appropriation: support of medical school of University of California.

treasury, not otherwise appropriated, to be used in accordance with law for the support of the medical school of the University of California, and to be expended for that purpose by the regents of the University of California.

CHAPTER 429.

An act appropriating money for the support of extension courses by the University of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: support of extension courses by University of California.

SECTION 1. The sum of fifty thousand dollars for the fiscal year beginning July 1, 1919, and the same amount for each fiscal year thereafter, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the support of extension courses by the University of California and to be expended for that purpose by the regents of the University of California.

CHAPTER 430.

An act directing the California historical survey commission to prepare a record of California's part in the war between the United States and the central European powers and to compile biographical sketches of California's citizens who served in the army, navy or marine corps of the United States during said war, and making an appropriation to carry out the purposes hereof.

[Approved May 23, 1919. In effect July 23, 1919.]

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

History of California's service in great war.

SECTION 1. It shall be the duty of the California historical survey commission to prepare and compile for publication a record of California's part in the great war between the United States and the central European powers. It shall be the further duty of the said commission to prepare and compile for publication a book or books in which shall appear a brief biography, together with a picture or likeness if obtainable, of each citizen of the State of California who served in either the army, navy or marine corps of the United States of America at any time during said war.

SEC. 2. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of five thousand dollars to be expended by the California historical survey commission in carrying out the duties imposed upon it by this act.

Appropriation.

CHAPTER 431.

An act making an appropriation to meet the expenses of compiling, printing and distributing constitutional amendments.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of thirty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in accordance with law for the compilation, printing and distribution of constitutional amendments to be submitted to the people during the seventy-first and seventy-second fiscal years.

Appropriation: printing and distribution of constitutional amendments.

CHAPTER 432.

An act appropriating money to provide for a permanent water supply for the Sonoma State Home.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to provide for a permanent water supply for the Sonoma State Home.

Appropriation: water supply for Sonoma State Home.

CHAPTER 433.

An act appropriating money for the purchase of equipment at the Norwalk State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of ten thousand six hundred eighty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of equipment at the Norwalk State Hospital.

Appropriation: equipment at Norwalk State Hospital.

CHAPTER 434.

An act to appropriate money for the improvement, support and maintenance of the California Redwood Park.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: maintenance of California Redwood Park.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty thousand dollars for the improvement, support and maintenance of the California Redwood Park.

CHAPTER 435.

An act to authorize the state board of prison directors to provide for assisting paroled and discharged prisoners and to secure employment for the same and making an appropriation for that purpose.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Assistance for paroled and discharged prisoners.

SECTION 1. The state board of prison directors shall have the power and authority to provide for assisting paroled and discharged prisoners and to secure employment for the same and for that purpose they may employ necessary officers and employees, may purchase tools, and give any other assistance that, in their judgment, they may deem proper for the purpose of carrying out the objects and spirit of this act.

Amounts to one thousand dollars drawn without vouchers.

SEC. 2. Upon this act becoming effective, the state board of prison directors may draw upon the moneys herein appropriated in the amount of one thousand dollars, without submitting vouchers thereon, which amount shall, from time to time, be replenished by demand upon said appropriation equal to the amount of expenditures represented by vouchers submitted to the state board of control and filed with the controller.

Appropriation.

SEC. 3. The sum of twenty-nine thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of this act; the state controller is hereby directed to draw his warrant therefor, payable to the state board of prison directors in such amount as may be required from time to time, and the state treasurer is directed to pay the same.

CHAPTER 436.

An act appropriating money for repairs, improvements and equipment at the Fresno State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of five thousand seven hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the Fresno State Normal School.

Appropriation: repairs at Fresno State Normal School.

CHAPTER 437.

An act appropriating money for improvements to the heating plant at the Stockton State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of two thousand eight hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements to the heating plant at the Stockton State Hospital.

Appropriation: heating plant at Stockton State Hospital.

CHAPTER 438.

An act appropriating money for the support of the state purchasing department during the seventy-first and seventy-second fiscal years.

[Approved May 22, 1919. In effect immediately.]

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

SECTION 1. The sum of one hundred twenty-eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support of the state purchasing department during the seventy-first and seventy-second fiscal years.

Appropriation: state purchasing department.

SEC. 2. This act, inasmuch as it provides an appropriation for the usual current expenses of the state, shall, under the provisions of section one of article four of the constitution, go into effect immediately.

CHAPTER 439.

An act to appropriate money to maintain the model and training schools at the several state normal schools.

[Approved May 22, 1919. In effect July 1, 1919.]

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

Appropriation training schools at state normal schools.

SECTION 1. The sum of one hundred ninety-four thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the several state normal schools during the seventy-first and seventy-second fiscal years for the purpose of maintaining model and training schools, said amount of money to be segregated as follows: To the San Jose State Normal School, forty-two thousand dollars; to the Los Angeles State Normal School, fifty-eight thousand dollars; to the Chico State Normal School, twelve thousand dollars; to the San Diego State Normal School, twenty-six thousand dollars; to the San Francisco State Normal School, twenty-seven thousand dollars; to the Fresno State Normal School, nineteen thousand five hundred dollars; to the Humboldt State Normal School, ten thousand dollars.

SEC. 2. This act in as much as it provides for an appropriation for the usual current expenses of the state shall, under the provision of section one of article four of the constitution, take effect on the first day of July, one thousand nine hundred nineteen.

CHAPTER 440.

An act appropriating money for improvements to the heating plant at the Southern California State Hospital at Patton.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation heating plant at Southern California State Hospital at Patton.

SECTION 1. The sum of five thousand eight hundred fifty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements to the heating plant at the Southern California State Hospital at Patton.

CHAPTER 441.

An act appropriating money for the support of the bureau of labor statistics in meeting the expenses of maintaining free employment bureaus during the seventy-first and seventy-second fiscal years.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the support of the bureau of labor statistics in meeting the expenses of maintaining free employment bureaus during the seventy-first and seventy-second fiscal years.

Appropriation: free employment bureaus.

CHAPTER 442.

An act appropriating money for repairs, improvements and equipment at the Veterans' Home of California.

[Approved May 22, 1919. In effect immediately.]

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

SECTION 1. The sum of sixty-three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money of the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the Veterans' Home of California at Yountville.

Appropriation: repairs at Veterans' Home.

SEC. 2. This act, inasmuch as it makes an appropriation for the abatement of a public nuisance along the highway in Napa county caused by the overflow from the septic tank maintained at the Veterans' Home and is therefore necessary for the immediate preservation of the public health and safety, is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution, and as such shall take effect immediately.

Urgency measure.

CHAPTER 443.

An act appropriating money for the improvement and extension of the steam distributing system at the Mendocino State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: steam distributing system at Mendocino State Hospital.

SECTION 1. The sum of five thousand seven hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the improvement and extension of the steam distributing system at the Mendocino State Hospital.

CHAPTER 444.

An act appropriating money to build shelters for women patients at the Mendocino State Hospital.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: shelters at Mendocino State 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 to be used in accordance with law for the building of shelters for women patients at the Mendocino State Hospital.

CHAPTER 445.

An act appropriating money for repairs, improvements and equipment at the California Polytechnic School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at California Polytechnic School.

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the California Polytechnic School at San Luis Obispo.

CHAPTER 446.

An act appropriating money for repairs, improvements and equipment at the Industrial Home for the Adult Blind.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of four thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the Industrial Home for the Adult Blind.

Appropriation: repairs at Industrial Home for Adult Blind.

CHAPTER 447.

An act appropriating money to pay the cost of printing, publishing and distributing state textbooks free to the school children of the state in accordance with the provisions of the constitution.

[Approved May 23, 1919. In effect July 1, 1919.]

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

SECTION 1. The sum of four hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the cost of printing, publishing and distributing state textbooks to the school children of the state in accordance with section seven of article nine of the Constitution of the State of California. The expense of publishing shall include the payment of royalties, and all material, labor and other expenses necessary to the mechanical work of printing and binding said books. All books shall be printed upon the order of the superintendent of public instruction and claims shall be drawn after being certified to the superintendent of state printing, as provided by law. The expense of distributing shall consist of postage, expressage, freight or other delivery, clerical or other help, and all other necessary expenses connected with such distribution; the claim for same to be presented and certified to by either of the above state officers incurring the same, and audited and allowed in the manner provided by law.

Appropriation: state textbooks.

SEC. 2. This act, inasmuch as it provides for the usual current expenses of the state, shall, under the provision of section one of article four of the constitution of the State of California, take effect on July 1, 1919.

CHAPTER 448.

An act making an appropriation to pay the claim of P. A. Malmark against the State of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: claim of P. A. Malmark.

SECTION 1. The sum of forty-two dollars and fifty-three cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of P. A. Malmark against the State of California.

CHAPTER 449.

An act appropriating money for the support of the state board of health in the control of contagious diseases during the seventy-first and seventy-second fiscal years.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: control of contagious diseases.

SECTION 1. The sum of fifty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the support of the state board of health in the control of contagious diseases during the seventy-first and seventy-second fiscal years.

CHAPTER 450.

An act to amend an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, by amending sections two, four, five, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-five, twenty-seven, twenty-eight and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Stats. 1917, p. 1506.

SECTION 1. Section two of an act entitled "An act creating a state land settlement board and defining its powers and

duties and making an appropriation in aid of its operations." approved June 1, 1917, is hereby amended to read as follows:

Sec. 2. The object of this act is to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers.

Object of act.

To carry out the objects herein stated, there is hereby created a state land settlement board to consist of five members appointed by the governor to hold office for a term of four years and until their successors have been appointed and shall have qualified; *provided, however*, that of the members first appointed two shall be appointed to hold office until the first day in January, 1918, one until the first day in January, 1919, one until the first day in January, 1920, and one until the first day in January, 1921.

State land settlement board created.

The governor shall designate one of the members as chairman of the board and director of land settlement. The secretary may or may not be a member of the board. The board shall appoint such expert, technical, and clerical assistance as may prove necessary, and shall define their duties. It shall fix the salaries of all employees, with the approval of the state board of control.

Officers.

The four members of the board shall receive a per diem for each meeting attended, and the chairman shall receive a salary, said per diem and salary to be fixed by the state board of control with the approval of the governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties.

Compensation.

The said land settlement board shall have power to cooperate with and to contract with the duly authorized representatives of the United States government in carrying out the provisions of this act.

Co-operation with U. S. government.

Sec. 2. Section four of said act is hereby amended to read as follows:

Stats 1917, p. 1567.

Sec. 4. For the purposes of this act, the board may acquire on behalf of the state by purchase, gift or the exercise of the power of eminent domain, all lands, water rights and other property needed for the purposes hereof, and may take title in trust and shall without delay improve, subdivide and sell such land, water rights and other property with appurtenances and rights to approved bona fide settlers; the board shall have the authority to set aside for townsite purposes a suitable area purchased under the provisions of this act and to subdivide such area and sell or lease the same

Agricultural lands to be acquired and sold

for cash, in lots of such size, and with such restrictions as to resale, as they shall deem best; *and provided, further*, that the board shall have authority to set aside and dedicate to public use such area or areas as it may deem desirable for roads, schoolhouses, churches, or other public purposes.

Stats. 1917,
p. 1567.

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

Purchase
of private
lands.

Sec. 5. Whenever the board believes that private land should be purchased for settlement under this act, it shall give notice by publication in one or more newspapers of general circulation in this state, setting forth approximately the area and character of the land desired and the conditions that shall govern the proposed purchase, and inviting owners of land willing to enter into a contract of sale on the conditions proposed to submit such land for inspection.

Stats. 1917,
p. 1568.

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

Purchase.

Sec. 9. If from the evidence submitted or from the results of its personal inspection, the board is satisfied that one or more of the tracts submitted are suited to intensive, closer settlement and can be acquired at a reasonable price, it shall submit to the governor its report, giving the reasons for recommending the purchase, and on the approval of the governor the board shall be authorized to purchase the same; *provided*, that before such purchase is made, the attorney general shall approve the title of such lands and any water rights appurtenant thereto, and the state water commission shall certify in writing as to the sufficiency of any water rights to be conveyed.

Stats. 1917,
p. 1568.

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

Control by
board until
moneys
advanced
repaid.

Sec. 10. All sales to settlers of land under this act shall be made under such terms and conditions as shall give to the board full control of any subdivisions thereof until all moneys advanced by the state for the purchase, improvement, or equipment of such subdivisions are fully repaid, together with interest thereon as herein provided.

Stats. 1917,
p. 1568.

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

Subdivision.

Sec. 11. Immediately upon taking possession of any land purchased as above, and after deducting any areas to be set aside for townsites or public purposes in accordance with section four of this act, the board shall subdivide it into areas suitable for farms and farm laborer's allotments, and lay out, and where necessary, construct roads, ditches, and drains for giving access to and insuring the proper cultivation of the several farms and allotments. The board, prior to disposing of it to settlers, or at any time after such land has been disposed of, but not after the end of the fifth year from the commencement of the term of the settler's purchase contract, may—

(a) Prepare all or any part of such land for irrigation and cultivation; Improvement of land.

(b) Seed, plant, or fence such land, and cause dwelling houses and outbuildings to be erected on any farm allotment or make any other improvements not specified above necessary to render the allotment habitable and productive in advance of or after settlement, the total cost to the board of such dwellings, outbuildings, and improvements not to exceed one thousand five hundred (\$1500) dollars on any one farm allotment;

(c) Cause cottages to be erected on any farm laborer's allotment and provide a domestic water supply, the combined cost to the board of the cottage and water supply not to exceed eight hundred (\$800) dollars on any one farm laborer's allotment;

(d) Make loans to approved settlers on the security of permanent improvements, stock and farm implements, such loans to be secured by mortgage or mortgages, deed or deeds of trust on such permanent improvements, stock or farm implements, and the total amount of any such loan, together with money spent by the board on improvements as above specified, not to exceed three thousand dollars on any one farm allotment, or two thousand dollars on any one farm laborer's allotment. Loans.

SEC. 7. Section fourteen of said act is hereby amended to read as follows: Stats. 1917, p. 1569.

Sec. 14. Lands disposed of under this act, other than lands set aside for townsites or public purposes, shall be sold either as farm allotments, each of which shall have a value not exceeding, without improvements, fifteen thousand dollars, or as farm laborers' allotments, each of which shall have a value not exceeding, without improvements, one thousand dollars. Before any part of an area is thrown open for settlement there shall be public notice thereof once a week for four weeks in one or more daily newspapers of general circulation in the state, setting forth the number and size of farm allotments or farm laborer's allotments, or both, the prices at which they are offered for sale, the minimum amount of capital a settler will be required to have, the mode of payment, the amount of cash payment required, and such other particulars as the board may think proper and specifying a definite period within which applications therefor shall be filed with the board on forms provided by the board. The board shall have the right in its uncontrolled discretion to reject any or all applications it may see fit and may readvertise as aforesaid as often as it sees fit until it receives and accepts such number of applications as it may deem necessary. Allotments. Notice of opening for settlement. Right to reject applications.

If no applications satisfactory to the board are received for any farm allotment or farm laborer's allotment following such advertising, the board at any time prior to readvertising, may sell any such farm allotment or farm laborer's allotment at the prices at which they were so offered for sale, without the necessity of readvertising. Sale of allotments.

Subdivision
in amalga-
mation of
allotments.

The board shall also have the power in dealing with any such farm allotments or farm laborer's allotments for which there has been no such application satisfactory to the board, to subdivide or amalgamate any one or more of such allotments as it may see fit, and fix the prices thereon, provided that the limitations of fifteen thousand dollars for a farm allotment and one thousand dollars for the farm laborer's allotment, as in this section set forth, are not violated. Such subdivision or amalgamation may be had without the necessity of re-advertising.

Sale of
areas not
suitable for
allotments.

The board may also sell at public auction, under such conditions of sale and notice thereof as the board may prescribe, any areas which the board may determine are not suitable for farm allotments or farm laborer's allotments, whether or not included in any subdivision into farm allotments or farm laborer's allotments; *provided*, that if such area has been included in such a farm allotment or farm laborer's allotment, then such sale at public auction can be made only after a failure to receive any application satisfactory to the board after the advertising thereof, as required by the terms of this section.

Stats. 1917,
p. 1569.

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

Who may
apply.

SEC. 15. Any citizen of the United States, or any person who has declared his intention of becoming a citizen of the United States, and who is not the holder of agricultural land or of possessory rights thereto to the value of fifteen thousand dollars, and who by this purchase would not become the holder of agricultural land or of possessory rights thereto exceeding such value, and who is prepared to enter within six months upon actual occupation of the land acquired, may apply for and become the purchaser of either a farm allotment or a farm laborer's allotment; *provided*, that no more than one farm allotment or more than one farm laborer's allotment shall be sold to any one person; *provided, further*, that no applicant shall be approved who shall not satisfy the board as to his or her fitness successfully to cultivate and develop the allotment applied for.

Limit.

Fitness to
cultivate.

Co-operation
with other
public
agencies.

The board may, in offering for sale farm allotments or farm laborer's allotments, co-operate or contract with the duly authorized representatives of the United States government and other public corporations or agencies generally. The board is hereby authorized to perform all acts necessary to co-operate fully with the agencies of the United States engaged in work of similar character, and with similar boards and agencies of other states. In any such sales made in co-operation with such representatives or agencies of the United States government, preference must be given to soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers,

and have been repatriated, and who have been honorably discharged. The board may likewise, whether or not acting in co-operation with the duly authorized representatives of the United States government, give such preference to any of such citizens of California, who as soldiers, sailors, marines and others have served with the armed forces of the United States, as in this section described.

Preference
to soldiers,
sailors, etc.

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

Stats. 1917,
p. 1570.

Sec. 18. Every approved applicant shall enter into a contract of purchase with the board, which contract shall among other things provide that the purchaser shall pay as a cash deposit a sum equal to five per cent of the sale price of the allotment and in addition not less than ten per cent of the cost of any improvements made thereon, and such applicant shall, if required by the board, enter into an agreement to apply for a loan from the federal land bank under provisions of the federal farm loan act for an amount to be fixed by the board, and shall pay to the board the amount of any loan so made as a partial payment on such land and improvements. The balance due on the land shall be paid in amortizing payments extending over a period to be fixed by the board, not exceeding forty years, together with interest thereon at the rate of five per cent per annum. The amount due on improvements shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding twenty years, together with interest thereon at the rate of five per cent per annum. The repayment of loans made on live stock or implements shall extend over a period to be fixed by the board not exceeding five years; *provided, however*, in each case, that the settler shall have the right, on any installment date, to pay any or all installments still remaining unpaid.

Contract
of purchase

Cash deposit.

Loan from
federal farm
loan bank.

Balance
paid in
amortizing
payments.

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

Stats. 1917,
p. 1571.

Sec. 20. Every contract entered into between the board and an approved purchaser shall contain among other things provisions that the purchaser shall cultivate the land in a manner to be approved by the board and shall keep in good order and repair all buildings, fences, and other permanent improvements situated on his allotment, reasonable wear and tear and damage by fire excepted. Each settler shall, if required, insure and keep insured against fire all buildings on his allotment, the policies therefor to be made out in favor of the board and to be in such amount or amounts and in such insurance companies as may be prescribed by the board.

Cultivation
of land.

Insurance.

The board shall have power in its own name to insure and keep insured against fire all buildings or other improvements on any of the lands under the control of the board, and any contract of insurance heretofore made by the board is hereby *ratified and confirmed*. The board shall likewise have the power in any contract of purchase under which the board purchases lands as authorized in this act, to provide for the return

Insurance
in name
of board.

by the board to the owner so selling to the state of any insurance premiums or taxes which may have been paid on said property by such owner, or for which such owner may have become obligated to pay, and any such agreement or contract of purchase heretofore made by the board is hereby ratified and confirmed.

Stats. 1917,
p. 1571.

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

Consent to
transfer
allotment.

Sec. 21. No allotment sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet in whole or in part, without the consent of the board given in writing, until the settler has paid for his farm allotment or farm laborer's allotment in full and complied with all of the terms and conditions of his contract of purchase.

Stats. 1917,
p. 1572.

SEC. 12. Section twenty-five of said act is hereby amended to read as follows:

Appropriation.

Sec. 25. For the purpose of carrying out the provisions of this act the sum of two hundred sixty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated. Of this amount, the sum of two hundred fifty thousand dollars shall constitute a revolving fund to be known as the "land settlement fund," which is calculated to be returned to the state with interest at the rate of four per cent per annum within a period of fifty years from the date of the passage of this act, on the daily balances representing the amounts drawn out of such fund and thus depleting the fund to an amount less than said sum of two hundred fifty thousand dollars, which said daily balances shall be so calculated only on the amounts so drawn out of such fund, from the date of the passage of this act. The remaining ten thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purpose from the sales of land as provided for in this act.

"Land
settlement
fund."

Administrative
expenses.

Stats. 1917,
p. 1572.

SEC. 13. Section twenty-seven of said act is hereby amended to read as follows:

Money paid
for lands,
etc.

Sec. 27. The money paid by settlers on lands, improvements, or in the repayment of advances, shall be deposited in the land settlement fund and be available under the same conditions as the original appropriation.

Stats. 1917,
p. 1572

SEC. 14. Section twenty-eight of said act is hereby amended to read as follows:

Rules and
regulations.

Sec. 28. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act.

Stats. 1917,
p. 1573.

SEC. 15. Section twenty-nine of said act is hereby amended to read as follows:

Investigation
of land
settlement
conditions.

Sec. 29. The board is hereby authorized to investigate land settlement conditions in California and elsewhere and to submit recommendations for such legislation as may be deemed by it necessary or desirable.

Annual
report of
board.

The board shall render an annual report to the governor and a copy thereof to the secretary of the interior, which

report shall be filed and printed as required by sections three hundred thirty-two, three hundred thirty-three, three hundred thirty-four, three hundred thirty-six and three hundred thirty-seven of the Political Code, with the exception that they shall be so filed and printed annually instead of biennially, as provided in said sections.

SEC. 16. A new section is hereby added to said act, numbered twenty-two, to read as follows:

SEC. 22. In the event of a failure of a settler to comply with any of the terms of his contract of purchase and agreement with the board, the state and the board shall have the right at its option to cancel the said contract of purchase and agreement and thereupon shall be released from all obligation in law or equity to convey the property and the settler shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. The board may require of the settler such mortgage or deed of trust or other instrument as may be necessary under the terms and conditions of the contract of purchase in order to adequately protect and secure the board. There may be included in such contract of purchase, mortgage, deed of trust or other instrument any conditions with reference to sale of the property or reconveyance back to the board or notice of such sale or reconveyance as may in the discretion of the board be required to be so included in such contract of purchase, mortgage, deed of trust or other instrument, in order to so adequately protect the said board in the premises; and any such contracts of purchase, mortgages, deeds of trust or other instruments heretofore executed are hereby confirmed. The failure of the board or of the state to exercise any option to cancel, or other privilege under the contract of purchase for any default shall not be deemed as a waiver of the right to exercise the option to cancel or other privilege under the contract of purchase for any default thereafter on the settler's part. But no forfeiture so occasioned by default on the part of the settler shall be deemed in any way, or to any extent, to impair the lien and security of the mortgage or trust instrument securing any loan that it may have made as in this act provided. The board shall have the right and power to enter into a contract of purchase for the sale and disposition of any land forfeited as above provided, because of default on the part of a settler, and this right may be exercised indefinitely without the necessity of advertising.

Failure to
comply with
contract
terms.

Security.

Sale of
forfeited
land.

SEC. 17. For the purpose of carrying out the provisions of this act and of the act amended by this act, the sum of one million dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which sum of one million dollars is calculated to be returned to the state within a period of fifty years from the date of this appropriation of one million dollars going into effect, with interest at the rate of four per cent per annum on the daily balances representing the amounts drawn out of such appropriation,

Appropriation.

and thus depleting the appropriation to an amount less than said sum of one million dollars. The state controller is hereby authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants.

CHAPTER 451.

An act appropriating money for repairs, improvements and equipment at the Santa Barbara State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at Santa Barbara State Normal School

SECTION 1. The sum of six thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the Santa Barbara State Normal School.

CHAPTER 452.

An act appropriating money for furnishings and equipment for cottages at the California School for Girls.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: equipment at California School for Girls.

SECTION 1. The sum of thirteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for furnishings and equipment for cottages at the California School for Girls.

CHAPTER 453.

An act appropriating money for repairs and improvements at San Quentin State Prison.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs and improvements at San Quentin State Prison.

Appropriation: repairs at San Quentin State Prison.

CHAPTER 454.

An act appropriating money for the purchase and installation of machinery and equipment at the San Quentin State Prison.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase and installation of machinery and equipment at the San Quentin State Prison.

Appropriation: equipment at San Quentin State Prison.

CHAPTER 455.

An act appropriating money for the use of the railroad commission in the regulation of utilities within incorporated cities during the seventy-first and seventy-second fiscal years.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of one hundred sixty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the use of the railroad commission in the regulation of utilities within incorporated cities during the seventy-first and seventy-second fiscal years.

Appropriation: regulation of utilities by railroad commission.

CHAPTER 456.

An act to authorize the payment of the claim of Grove J. Fink against the State of California, and making an appropriation therefor.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: claim of Grove J. Fink.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand three hundred eighty-five dollars and seventy cents to pay the claim of Grove J. Fink against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said Grove J. Fink for said sum of two thousand three hundred eighty-five dollars and seventy cents and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 457.

An act to appropriate money for the payment of compensation benefits accruing by reason of personal injury resulting from accident to state officers and employees while performing services accruing out of and incidental to their employment.

[Approved May 22, 1919. In effect immediately.]

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

Appropriation: state compensation insurance.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used during the seventy-first and seventy-second fiscal years, for the payment of compensation benefits accruing by reason of personal injury resulting from accident to state officers and employees while performing services accruing out of and incidental to their employment, where the services have been paid for out of the general fund in the state treasury.

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

CHAPTER 458.

An act appropriating money to cover rental and other expenses necessary toward the maintaining of offices for state departments in Sacramento and Los Angeles.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of one hundred twenty-four thousand one hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to cover rental and other expenses necessary toward the maintaining of offices for state departments in Sacramento and Los Angeles.

Appropriation: maintenance of state offices.

CHAPTER 459.

An act appropriating money to pay the claim of the county of San Bernardino against the State of California.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of seven thousand six hundred seventy-four dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the county of San Bernardino against the State of California for additional reimbursement due the said county under the provisions of section fourteen of article thirteen of the constitution.

Appropriation: claim of San Bernardino county.

CHAPTER 460.

An act appropriating money to pay the claim of the county of Inyo against the State of California.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of one hundred thousand three hundred eighty-two dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the county of Inyo against the State of California for additional reimbursement due the said county under the provisions of section fourteen of article thirteen of the constitution.

Appropriation: claim of Inyo county.

CHAPTER 461.

An act appropriating money for the improvement of grounds and agricultural teaching equipment of the San Diego State Normal School.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation improvements of San Diego State Normal School.

SECTION 1. The sum of one thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the improvement of the grounds and agricultural teaching equipment at the San Diego State Normal School.

CHAPTER 462.

An act appropriating money to create a revolving fund for the state purchasing department and repealing an act entitled "An act appropriating money to create a revolving fund for the state purchasing department," approved May 15, 1917.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation revolving fund for state purchasing department

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of creating a revolving fund for the state purchasing department. With the approval of the state board of control the state purchasing department may draw from the fund herein provided, without first submitting vouchers and itemized accounts, a sum not in excess of five thousand dollars to be used for urgent cash advances which sum must at any time upon demand be accounted for by said department to the state board of control or state controller.

Act, State 1917, p. 533, repealed

SEC. 2. An act entitled "An act appropriating money to create a revolving fund for the state purchasing department" approved May 15, 1917, is hereby repealed.

CHAPTER 463.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1919, for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Appropriation: flood control.

Purpose
of act.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of five hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress

Jurisdiction
of California
Debris
Commission

SEC 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for any right of way, easement or land acquired for the purposes of said improvement.

Warrants
in favor
of U. S.
treasurer.

SEC 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasurer in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same.

Sum to
equal that
appropriated
by U S

SEC. 5. If the congress of the United States shall not appropriate the full sum of five hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States, for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress.

CHAPTER 464

An act making an appropriation to carry out the purposes, and to further provide for the administration, of an act entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care of persons afflicted with tuberculosis; making an

appropriation therefor, and repealing certain acts of the legislature of the State of California," approved June 12, 1915, by amending sections three and four of said act.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. Section three of an act entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care of persons afflicted with tuberculosis; making an appropriation therefor; and repealing certain acts of the legislature of the State of California," approved June 12, 1915, is hereby amended to read as follows:

Stats. 1915,
p. 1531.

Sec. 3. Every city, county, city and county, or group of counties is hereby authorized and empowered to establish and maintain a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis. Every city, county, city and county, or group of counties which establishes and maintains a tuberculosis ward or hospital shall receive from the state the sum of three dollars per week for each person suffering from tuberculosis, cared for therein at public expense who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the city, county, city and county, or group of counties for one year; *provided*, that the city, county, city and county, or group of counties shall not become entitled to receive such state aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the state bureau of tuberculosis. Said hospitals shall be allowed to receive pay patients. The medical superintendent of each hospital receiving state aid under this act shall render semiannually to the state bureau of tuberculosis a report under oath showing, for the period covered by the report, (1) the number of patients suffering from tuberculosis cared for therein at public expense, unable to pay therefor, and (2) the number of weeks of treatment of each such patient.

Compensation
of
cities, etc.,
maintaining
tuberculosis
wards.

May receive
pay patients.

Every group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one of its members as a delegate, who shall attend the general meetings of the delegates of each county in said group; the necessary expense incurred in attending such meetings shall be a county charge.

Delegates
from group
of counties.

The body thus formed shall be called the hospital central committee. The said delegates from each county are authorized and empowered to enter into an agreement with the other counties for and on behalf of the county appointing

Hospital
central
committee.

them binding said county to the joint enterprise and apportioning the cost of constructing and establishing said hospital and also apportioning cost of maintaining same.

All sums found due from any county according to its agreement duly entered into shall be a debt against said county and may be collected in the manner provided by law by the said hospital central committee or in its behalf by the board of supervisors of any county in said groups in any county thereof, by action instituted and tried in the county in which said hospital is situated.

Building committee

The hospital central committee shall have power to appoint a committee to supervise and superintend the construction of the building, approve the bills, and do the usual things required of a building committee.

Hospital central committee governing body.

The hospital central committee shall constitute the governing body of said hospital and shall have the same powers and duties in regard thereto that a board of supervisors has over the county hospital, and shall hold meetings to be governed, as provided by rules duly adopted by said committee for its government, which rules may provide for the addition of other counties to the group, and shall have power to appoint such committees as necessary and prescribe their duties.

Acquisition and disposal of land.

Any land required may be acquired or disposed of by the hospital central committee in such manner as it may be determined by a three-fourths vote of the members thereof; *provided*, that all counties comprising a group shall have had notice of the intention to acquire or dispose of the same. Title to land may be held in the name of the entire group or in any county composing the same as trustee for the use and benefit of all, as may be determined by said hospital central committee.

Each county to pay proportionate share.

Each county in said group is authorized, empowered, and directed to pay its proportionate share to the hospital central committee, of such amount as the said committee may designate, to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of said hospital shall be sent to the board of supervisors, of each county, together with a claim for its proportionate share of said expenses. Said amounts when collected shall be paid into said cash revolving fund.

Admission of applicants.

Said hospital central committee shall have the power to determine and pass upon the right of admission to said hospital of applicants subject to the limitations of this act.

Stats 1915, p 1532

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

Appropriation

SEC. 4. The sum of two hundred thousand dollars is hereby appropriated, in addition to any amounts heretofore appropriated, out of any money in the state treasury not otherwise appropriated, to be expended by the state board of health in carrying out the provisions of this act; *provided, however*, that not more than the sum of thirty thousand dollars shall be available for the purposes of said act other than the state aid therein provided. All claims against this appropriation

shall be submitted for approval and audit to the state board of control, and shall be paid in accordance with law; *provided*, that there may be withdrawn from such appropriation with the permission of the state board of control and without at the time furnishing vouchers and itemized statements a sum not to exceed five hundred dollars. Said sum so drawn shall be used as a revolving fund where cash advances are necessary and at the close of each fiscal year or at any other time upon the demand of the board of control must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

CHAPTER 465.

An act appropriating money to pay the claim of E. Clemens Horst Company against the State of California.

[Approved May 23, 1919 In effect July 23, 1919.]

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

SECTION 1. The sum of four thousand two hundred thirty-four dollars and fifty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of E. Clemens Horst Company in satisfaction of a judgment against the State of California.

Appropriation claim of E Clemens Horst Company

CHAPTER 466.

An act appropriating money for repairs and improvements, and equipment, at the Women's Relief Corps Home.

[Approved May 23, 1919 In effect July 23, 1919.]

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

SECTION 1. The sum of one thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvements, and equipment, at the Women's Relief Corps Home.

Appropriation repairs at Women's Relief Corps Home

CHAPTER 467.

An act appropriating money for repairs and improvements at the Folsom State Prison.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at Folsom State Prison.

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvements at the Folsom State Prison.

CHAPTER 468.

An act appropriating money for the support of the California historical survey commission during the seventy-first and seventy-second fiscal years.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation: support of California Historical Survey Commission.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support of the California historical survey commission during the seventy-first and seventy-second fiscal years.

CHAPTER 469.

An act to appropriate money to be expended by and under the direction of the department of engineering for the purpose of rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers and such other waters of the state as the department of engineering may determine; improving the navigability of such waters and acquiring land for necessary rights of way therefor; making surveys, investigations and report upon the feasibility of canalizing the rivers of the state and constructing canals for navigation, and making surveys, investigations and plans for flood control; the examination and supervision of dams

and the investigation of rainfall, snowfall, runoff, and stream flow affecting navigation, flood control or irrigation and preventing and repairing damage in certain cases.

[Approved May 22, 1919. In effect July 22, 1919.]

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

SECTION 1. The sum of one hundred seventy-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the department of engineering for the purpose of rectifying and improving the channels of Sacramento, San Joaquin and Feather rivers, and such other waters of the state as the department of engineering may determine, improving the navigability of such waters, acquiring land for necessary rights of way for such improvements; making surveys, investigations and reports upon the feasibility of canalizing the rivers of the state and constructing navigable canals, making surveys, investigations and plans for flood control upon any stream, the flood waters of which may injure or menace lands in the State of California, including the examination and supervision of dams, and investigation of rainfall, snowfall, runoff, and stream flow affecting or tending to affect navigation, flood control or irrigation upon any of the streams of the state and the prevention or repair of any damage caused or likely to be caused to existing levees by any work done in or upon said navigable rivers, or either of them, by authority of the government of the United States or the State of California, for the purpose of improving their navigability; *provided, however*, that before any expenditure shall be made or contracts awarded by said department for construction work to be done affecting navigable waters, the plans therefor shall be approved by the proper officers of the government of the United States having charge of river work in California.

Appropriation: improvement of channels of Sacramento, San Joaquin and Feather rivers.

SEC. 2. All expenditures hereunder for rights of way, labor, materials and machinery, or in payment, in whole or in part, of any contract shall, before being paid, be audited by the state board of control, as provided by law.

Accounts audited by board of control.

CHAPTER 470.

An act to amend the Political Code by repealing sections three thousand nine hundred nine, three thousand nine hundred ten, three thousand nine hundred eleven, three thousand nine hundred twelve, three thousand nine hundred thirteen, three thousand nine hundred fourteen, three thousand nine hundred fifteen, three thousand nine hundred sixteen, three thousand nine hundred seventeen, three thousand nine hundred eighteen, three thousand nine hundred nineteen, three

County boundaries; repeal of sections, Political Code.

County
boundaries;
repeal of
sections,
Political
Code.

thousand nine hundred twenty, three thousand nine hundred twenty-one, three thousand nine hundred twenty-two, three thousand nine hundred twenty-three, three thousand nine hundred twenty-four, three thousand nine hundred twenty-five, three thousand nine hundred twenty-six, three thousand nine hundred twenty-seven, three thousand nine hundred twenty-eight, three thousand nine hundred twenty-nine, three thousand nine hundred thirty, three thousand nine hundred thirty-one, three thousand nine hundred thirty-two, three thousand nine hundred thirty-three, three thousand nine hundred thirty-four, three thousand nine hundred thirty-five, three thousand nine hundred thirty-six, three thousand nine hundred thirty-seven, three thousand nine hundred thirty-eight, three thousand nine hundred thirty-nine, three thousand nine hundred forty, three thousand nine hundred forty-one, three thousand nine hundred forty-two, three thousand nine hundred forty-three, three thousand nine hundred forty-four, three thousand nine hundred forty-five, three thousand nine hundred forty-six, three thousand nine hundred forty-seven, three thousand nine hundred forty-eight, three thousand nine hundred forty-nine, three thousand nine hundred fifty, three thousand nine hundred fifty-one, three thousand nine hundred fifty-two, three thousand nine hundred fifty-three, three thousand nine hundred fifty-four, three thousand nine hundred fifty-five, three thousand nine hundred fifty-six, three thousand nine hundred fifty-seven, three thousand nine hundred fifty-eight, inclusive, and to enact new sections thereof to be numbered consecutively three thousand nine hundred nine, three thousand nine hundred ten, three thousand nine hundred eleven, three thousand nine hundred twelve, three thousand nine hundred thirteen, three thousand nine hundred fourteen, three thousand nine hundred fifteen, three thousand nine hundred sixteen, three thousand nine hundred seventeen, three thousand nine hundred eighteen, three thousand nine hundred nineteen, three thousand nine hundred twenty, three thousand nine hundred twenty-one, three thousand nine hundred twenty-two, three thousand nine hundred twenty-three, three thousand nine hundred twenty-four, three thousand nine hundred twenty-five, three thousand nine hundred twenty-six, three thousand nine hundred twenty-seven, three thousand nine hundred twenty-eight, three thousand nine hundred twenty-nine, three thousand nine hundred thirty, three thousand nine hundred thirty-one, three thousand nine hundred thirty-two, three thousand nine hundred thirty-three, three thousand nine hundred thirty-four, three thousand nine hundred thirty-five, three thousand nine hundred thirty-six, three thousand nine hundred thirty-seven, three thousand nine hundred thirty-eight, three thousand nine hundred thirty-nine, three thousand nine hundred forty, three thousand nine hundred forty-one,

Enactment
of new
sections.

three thousand nine hundred forty-two, three thousand nine hundred forty-three, three thousand nine hundred forty-four, three thousand nine hundred forty-five, three thousand nine hundred forty-six, three thousand nine hundred forty-seven, three thousand nine hundred forty-eight, three thousand nine hundred forty-nine, three thousand nine hundred fifty, three thousand nine hundred fifty-one, three thousand nine hundred fifty-two, three thousand nine hundred fifty-three, three thousand nine hundred fifty-four, three thousand nine hundred fifty-five, three thousand nine hundred fifty-six, three thousand nine hundred fifty-seven, three thousand nine hundred fifty-eight, three thousand nine hundred fifty-nine, three thousand nine hundred sixty, three thousand nine hundred sixty-one, three thousand nine hundred sixty-two, three thousand nine hundred sixty-three, three thousand nine hundred sixty-four, three thousand nine hundred sixty-five, three thousand nine hundred sixty-six, inclusive, relating to the establishment and definition of the boundaries of the counties of the State of California.

County boundaries; enactment of new sections, Political Code.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. Sections three thousand nine hundred nine, three thousand nine hundred ten, three thousand nine hundred eleven, three thousand nine hundred twelve, three thousand nine hundred thirteen, three thousand nine hundred fourteen, three thousand nine hundred fifteen, three thousand nine hundred sixteen, three thousand nine hundred seventeen, three thousand nine hundred eighteen, three thousand nine hundred nineteen, three thousand nine hundred twenty, three thousand nine hundred twenty-one, three thousand nine hundred twenty-two, three thousand nine hundred twenty-three, three thousand nine hundred twenty-four, three thousand nine hundred twenty-five, three thousand nine hundred twenty-six, three thousand nine hundred twenty-seven, three thousand nine hundred twenty-eight, three thousand nine hundred twenty-nine, three thousand nine hundred thirty, three thousand nine hundred thirty-one, three thousand nine hundred thirty-two, three thousand nine hundred thirty-three, three thousand nine hundred thirty-four, three thousand nine hundred thirty-five, three thousand nine hundred thirty-six, three thousand nine hundred thirty-seven, three thousand nine hundred thirty-eight, three thousand nine hundred thirty-nine, three thousand nine hundred forty, three thousand nine hundred forty-one, three thousand nine hundred forty-two, three thousand nine hundred forty-three, three thousand nine hundred forty-four, three thousand nine hundred forty-five, three thousand nine hundred forty-six, three thousand nine hundred forty-seven, three thousand nine hundred forty-eight, three thousand nine hundred

Repealed

forty-nine, three thousand nine hundred fifty, three thousand nine hundred fifty-one, three thousand nine hundred fifty-two, three thousand nine hundred fifty-three, three thousand nine hundred fifty-four, three thousand nine hundred fifty-five, three thousand nine hundred fifty-six, three thousand nine hundred fifty-seven, three thousand nine hundred fifty-eight, inclusive, of the Political Code, are hereby repealed.

SEC. 2. A new section is hereby added to the Political Code to be numbered three thousand nine hundred nine and to read as follows:

Boundaries:

Alameda
county.

3909. *Alameda.* Beginning at the southwest corner, being the common corner of San Mateo, Santa Clara, and Alameda, as established in section three thousand nine hundred fifty-one; thence easterly along the northerly boundary of Santa Clara county as defined in said section to the corner common to Santa Clara, San Joaquin, Stanislaus and Alameda counties; thence northwesterly and northerly along the boundary line between Alameda and San Joaquin counties, as described in the field notes of the survey of said line, as adopted by the board of supervisors of Alameda county, California, on February 6, 1869, to the corner common to Alameda, Contra Costa and San Joaquin counties; thence in a general westerly direction along the boundary line between Alameda and Contra Costa counties, as described in field notes of the survey of said boundary line, filed November 19, 1877, in the office of the clerk of Alameda county, California, to the most westerly point where said line is coincident with the line dividing the Rancho San Pablo from the Rancho San Antonio; thence westerly along the northerly boundary line of the Rancho San Antonio to the initial point of the description thereof, as recorded in Liber "B" of patents, page 30, records of Alameda county, California; thence southwestwardly in a direct line to a point in San Francisco bay, said point being four and one-half statute miles due southeast of the northwest point of Golden rock (also known as Red rock); thence southeasterly in a direct line to a point from which the lighthouse on the most southerly point of Yerba Buena island bears south seventy-two degrees west, four thousand seven hundred feet; thence southeasterly in a direct line to a point on the southerly line of township two south, range four west, Mount Diablo base and meridian, distant thereon two statute miles west of the southeast corner of said township, forming corner common to San Francisco, San Mateo and Alameda; thence southeasterly along the eastern line of San Mateo county to the place of beginning.

SEC. 3. A new section is hereby added to the Political Code to be numbered three thousand nine hundred ten and to read as follows:

Alpine
county.

3910. *Alpine.* Beginning at north corner, at a point where the state line crosses the east summit of the Sierra Nevada mountains, being the most easterly corner of El Dorado; thence southwestwardly along said summit to a point two miles west of

James Green's house, in Hope valley, called Thompson's peak; thence southwesterly in a direct line to a point on the Amador and Nevada turnpike road in front of Z. Kirkwood's house, being common corner of Amador, Alpine, and El Dorado; thence south across the north fork of the Mokelumne river to the road leading from West Point, in Calaveras, to Big Tree road, near the Big meadows; thence easterly along said West Point road to the Big Tree road; thence easterly in a direct line to where the Sonora trail strikes the middle fork of the Stanislaus river; thence easterly along said trail to the summit of the Sierra Nevada mountains; thence northerly along said summit to the dividing ridge between West Walker and Carson rivers; thence northeasterly along said dividing ridge to the state line, forming easterly corner of Alpine and northerly corner of Mono; thence northwest along said state line to the place of beginning.

SEC. 4. A new section is hereby added to the Political Code to be numbered three thousand nine hundred eleven and to read as follows:

3911. *Amador*. Beginning at southwest corner, in the Mokelumne river, on the eastern boundary of San Joaquin, as established in section three thousand nine hundred forty-seven; thence up said river to its junction with the north fork of the same; thence up the said north fork to the line of Alpine, being at a point south of common corner of Amador, Alpine, and El Dorado, which is in the center of the Amador and Nevada road, in front of Z. Kirkwood's house, as established in section three thousand nine hundred ten; thence north by the line of Alpine to said common corner; thence westerly along said road to a point east of the source of the south fork of the south fork of the Cosumnes river, thence west to said source; thence down the south fork of the south fork and the south fork and the main Cosumnes river to the easterly line of Sacramento, as established in section three thousand nine hundred forty-two; thence by eastern lines of Sacramento and San Joaquin to the place of beginning.

Amador
county.

SEC. 5. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twelve and to read as follows:

3912. *Butte*. Beginning at the northwest corner of Yuba, in Feather river, at the mouth of Honcut creek; thence northeasterly up the Honcut creek and the north or Natchez branch of the same, to its source, on line established by surveyor general, on survey of Westcott and Henning, 1859; thence to the summit line of the ridge dividing the waters of the Yuba and Feather rivers; thence northeasterly up said ridge, on line of said survey, to the third station tree westerly from the Woodville house; thence in a right line, fifty chains more or less, to a station tree easterly from said house about twenty-six chains, said right line passing about three chains northerly of said house; thence northeasterly on said ridge and survey, to a point on line of said survey

Butte
county.

Butte
county

a little westerly from the village of Strawberry Valley, which point is two thousand feet distant westerly, in right line from point of highest altitude on line of said survey east, and within three hundred yards of the village of Strawberry Valley; thence to the common corner of Plumas, Butte and Yuba, located in the northwest quarter of section fifteen, township twenty north, range eight east, Mount Diablo base and meridian, and running thence north one-quarter of a mile; thence west one-half mile; thence north three-quarters of a mile to the quarter section corner between sections four and nine, said township and range; thence west to the corner common to sections four, five, eight and nine, said township and range; thence north one-half mile to the quarter section corner between said sections four and five; thence west one mile to the quarter section corner between sections five and six, said township and range; thence north one-half mile, more or less, to the north corner of sections five and six, said township and range; thence west on township line one and a quarter miles, more or less, to the southwest corner of section thirty-one, township twenty-one north, range eight east, Mount Diablo base and meridian; thence north on township line, two miles to the east corner of sections twenty-four and twenty-five, township twenty-one north, range seven east, Mount Diablo base and meridian; thence west one mile to the corner common to sections twenty-three, twenty-four, twenty-five and twenty-six, said township and range; thence north one-half mile to the quarter section corner between sections twenty-three and twenty-four, said township and range; thence west one-half mile to the center of said section twenty-three; thence north one-half mile to the quarter section corner between sections fourteen and twenty-three, said township and range; thence west one-half mile to the corner common to sections fourteen, fifteen, twenty-two and twenty-three, said township and range; thence north one mile to the corner common to sections ten, eleven, fourteen and fifteen, said township and range; thence west one mile; thence north one mile; thence west one mile; thence north two miles; thence west one mile; thence north one mile; thence west one mile, to the east corner of sections twenty-four and twenty-five, township twenty-two north, range six east, Mount Diablo base and meridian; thence north, on township line, one mile to the east corner of sections thirteen and twenty-four, said township and range; thence west one mile to the corner common to sections thirteen, fourteen, twenty-three and twenty-four, said township and range; thence north one mile to the corner common to sections eleven, twelve, thirteen and fourteen, said township and range; thence west one mile to the corner common to sections ten, eleven, fourteen and fifteen, said township and range; thence north one mile to the corner common to sections two, three, ten and eleven; thence west one-quarter mile; thence north one-quarter mile; thence west one-quarter mile; thence north one-quarter mile to the center of section

three, said township and range; thence west three-quarters of a mile; thence north one-half mile to the north boundary of section four, said township and range; thence west on township line one-half mile; thence north one mile; thence west three-quarters of a mile to the quarter section corner between sections twenty-nine and thirty-two, township twenty-three north, range six east, Mount Diablo base and meridian; thence north one mile to the quarter section corner between sections twenty and twenty-nine, said township and range; thence west one mile to the quarter section corner between sections nineteen and thirty, said township and range; thence north one mile to the quarter section corner between sections eighteen and nineteen, said township and range; thence west one-half mile to the west corner of said sections eighteen and nineteen; thence north, on township line, one mile to the east corner of sections twelve and thirteen, township twenty-three north, range five east; thence west one mile to the corner common to sections eleven, twelve, thirteen and fourteen, said township and range; thence north one-half mile to the quarter section corner between said sections eleven and twelve; thence west one mile to the quarter section corner between sections ten and eleven, said township and range; thence north one-half mile to the corner common to sections two, three, ten, and eleven, said township and range; thence west one mile to the corner common to sections three, four, nine, and ten, said township and range; thence north one mile to the north corner of said sections three and four, two miles to the corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, township twenty-four north, range five east, Mount Diablo base and meridian; thence west one mile to the corner common to sections twenty-eight, twenty-nine, thirty-two, and thirty-three, said township and range; thence north one mile to the corner common to sections twenty, twenty-one, twenty-eight, and twenty-nine, said township and range; thence east one mile to the corner common to sections twenty-one, twenty-two, twenty-seven, and twenty-eight, said township and range; thence north one mile to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence west one-half mile to the quarter section corner between said sections sixteen and twenty-one; thence north two miles to the quarter section corner between sections four and nine, said township and range; thence east one-half mile to the corner common to sections three, four, nine, and ten, said township and range; thence north one mile to the north corner of sections three and four, said township and range, two miles to the corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, township twenty-five north, range five east, Mount Diablo base and meridian; thence west one-half mile to the quarter section corner between said sections twenty-eight and thirty-three; thence north two miles to the quarter section corner between sections sixteen and twenty-one, said township and range; thence east one-half mile to the corner

Butte
county.

common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence north one mile to the corner common to sections nine, ten, fifteen, and sixteen, said township and range; thence east one-half mile to the quarter section corner between said sections ten and fifteen; thence north one and one-half miles to the center of section three, said township and range; thence east one mile to the center of section two, said township and range; thence north one-half mile, more or less, to the quarter section corner on north boundary of said section two; thence east on township line to the quarter section corner on south boundary of section thirty-five, township twenty-six north, range five east, Mount Diablo base and meridian; thence north one mile to the quarter section corner between sections twenty-six and thirty-five, said township and range; thence east one-half mile to the corner common to sections twenty-five, twenty-six, thirty-five, and thirty-six, said township and range; thence north one mile to the corner common to sections twenty-three, twenty-four, twenty-five, and twenty-six, said township and range; thence west one-half mile to the quarter section corner between said sections twenty-three and twenty-six; thence north one and one-half miles to the center of section fourteen, said township and range; thence west one-half mile to the quarter section corner between sections fourteen and fifteen, said township and range; thence north one-half mile to the corner common to sections ten, eleven, fourteen, and fifteen, said township and range; thence west one mile to the corner common to sections nine, ten, fifteen, and sixteen, said township and range; thence north two miles to the north corner of sections three and four, said township and range; two and one-half miles to the quarter section corner between sections thirty-three and thirty-four, township twenty-seven north, range five east, Mount Diablo base and meridian; thence west one and three-quarters miles, more or less, to the Chico and Humboldt road at the corner common to Plumas, Butte, and Tehama counties; thence southwesterly on the southeasterly line of Tehama to the southeast corner of Tehama, at point of intersection of Rock creek and southern line of township twenty-four north, Mount Diablo base; thence west on said township line to the Sacramento river; thence down said river to the southwest corner of the Llano Seco grant; thence northeasterly and southeasterly along the eastern boundary of Glenn county as established in section three thousand nine hundred nineteen to the northeastern corner of Colusa county; thence on Colusa county east line, down Butte creek, to the northwest corner of Sutter county, as established in section three thousand nine hundred fifty-nine; thence east on north line of Sutter county to Feather river; thence down Feather river to place of beginning.

SEC. 6. A new section is hereby added to the Political Code to be numbered three thousand nine hundred thirteen, and to read as follows:

3913. *Calaveras*. Beginning at southern corner, at a point in the Stanislaus river where it intersects the eastern line of Stanislaus county, as established in section three thousand nine hundred fifty-eight, being a point one mile north of Knight's ferry, and being the western corner of Tuolumne county; thence up said river and north fork thereof, to the westerly line of Alpine as established in section three thousand nine hundred ten; thence northerly, on the line of Alpine, to the southeast corner of Amador, as established in section three thousand nine hundred eleven and section three thousand nine hundred ten; thence southwesterly, on the southern line of Amador, down the Mokelumne river, to the southwest corner of Amador, on eastern line of San Joaquin county; thence southerly and southeasterly, on line of San Joaquin and Stanislaus, as established in sections three thousand nine hundred forty-seven and three thousand nine hundred fifty-eight, to the place of beginning.

SEC. 7. A new section is hereby added to the Political Code to be numbered three thousand nine hundred fourteen, and to read as follows:

3914. *Colusa*. Beginning at southeast corner, being northeast corner of Yolo, in Sacramento river, at its intersection with the south line of township thirteen north, Mount Diablo base; thence west, on said township line to the ridge dividing the waters flowing into Bear creek and Stony creek, from those flowing west into the north fork of Cache creek and Clear lake; thence northerly, along said ridge to the summit line of the Coast range, being the eastern line of Lake, forming southwest corner of Colusa and northwest corner of Yolo; thence northerly on said eastern boundary of Lake, to the southwest corner of Glenn; thence easterly on southern line of Glenn to Butte creek; thence down Butte creek to Butte slough; thence up Butte slough to Sacramento river; thence down Sacramento river to the place of beginning.

SEC. 8. A new section is hereby added to the Political Code to be numbered three thousand nine hundred fifteen, and to read as follows:

3915. *Contra Costa*. Beginning in bay of San Francisco, at the northwest point of Red Rock, being the common corner of Marin, Contra Costa, and San Francisco as established in section three thousand nine hundred forty-six; thence up the straits and bay of San Pablo, on eastern boundary of Marin, to point of intersection with line bearing south twenty-six and one-half degrees east, and about six and one-quarter miles distant from southwest corner of Napa county, as established in section three thousand nine hundred thirty-six, forming common corner of Marin, Solano, Sonoma, and Contra Costa, as established in section three thousand nine hundred fifty-seven; thence to the straits of Carquinez; thence up said straits and Suisun bay, to the mouth of the San Joaquin river; thence up said river, to the confluence of the west

and main channels thereof, as laid down on Gibbe's map; thence up the said west channel, to a point about ten miles below Moore and Rhodes' ranch, at a bend where the said west channel, running downward, takes a general course north, the point being on the westerly line of San Joaquin county, and forming the northeast corner of Alameda and southeast corner of Contra Costa; thence westerly on the northern line of Alameda as established in section three thousand nine hundred nine, to the easterly line of San Francisco city and county, as established in section three thousand nine hundred forty-six; thence due northwest, along said easterly line to San Francisco, four and one-half miles, more or less, to the place of beginning.

SEC. 9. A new section is hereby added to the Political Code to be numbered three thousand nine hundred sixteen, and to read as follows:

Del Norte
county.

3916. *Del Norte*. Situated in the northwest corner of the State of California, beginning at a point in the Pacific ocean, on the forty-second parallel of north latitude, three miles from shore, being on the southern line of Oregon; thence running southerly, three miles from ocean shore, to the northern line of Humboldt county; thence easterly, along the northern boundary of Humboldt county to the summit of a spur of the Siskiyou range of mountains; thence northerly, following the summit of said spur of the Siskiyou range of mountains, to the forty-second parallel of north latitude; thence due west to the place of beginning.

SEC. 10. A new section is hereby added to the Political Code to be numbered three thousand nine hundred seventeen, and to read as follows:

El Dorado
county.

3917. *El Dorado*. Beginning at the junction of the north and south forks of the American river, which is the extreme west corner; thence up the north fork of the American river to the point of confluence of the middle fork of the American river; thence up the middle fork of the American river to the point of confluence of the south fork of middle fork of the American river at Junction bar; thence up said last-named fork, now known as the Rubicon river, to a point where the same is intersected by the section line between sections twenty-nine and thirty-two, township fourteen north, range fourteen east, Mount Diablo base and meridian; thence east on the section line through township fourteen north, ranges fourteen and fifteen east to the northeast corner of section thirty-five, township fourteen north, range fifteen east; thence north on range line to southwest corner of section thirty, township fourteen north, range sixteen east; thence east on section line to the southeast corner of section thirty, township fourteen north, range sixteen east; thence north to the one-quarter section corner between sections twenty-nine and thirty, township fourteen north, range sixteen east; thence through the centers of sections twenty-nine, twenty-eight and twenty-seven, to the

one-quarter section corner between sections twenty-six and twenty-seven, township fourteen north, range sixteen east; thence north on section line to the northwest corner of section twenty-six; thence east on section line to the northeast corner of section twenty-six; thence north on section line to the one-quarter section corner between sections twenty-three and twenty-four; thence east through the center of section to the one-quarter corner between sections nineteen and twenty-four, township fourteen north, range sixteen east and township fourteen north, range seventeen east; thence north on the range line to the one-quarter section corner between sections thirteen and eighteen; thence east to the legal center of section eighteen, township fourteen north, range seventeen east; thence north to the one-quarter section corner between sections seven and eighteen, township fourteen north, range seventeen east; thence east on the section line to the western shore line of Lake Bigler, now called Lake Tahoe; thence east in said lake to the state line; thence south and southeasterly on the state line to the northern corner of Alpine county, being a point where the state line crosses the eastern summit line of the Sierra Nevada mountains; thence southwesterly along the west line of Alpine county, as established in section three thousand nine hundred ten, to the common corner of Alpine, Amador, and El Dorado counties, as established by said section; thence westerly on the northern line of Amador county, as established in section three thousand nine hundred eleven, and down the Cosumnes river and south fork thereof, to the eastern line of Sacramento county, as established in section three thousand nine hundred forty-two; thence northerly by the eastern line of Sacramento county to the south fork of the American river; thence down the latter to the place of beginning.

SEC. 11. A new section is hereby added to the Political Code to be numbered three thousand nine hundred eighteen, and to read as follows:

3918. *Fresno.* Beginning on the south line of Merced county at a point where said line crosses the San Joaquin river; thence south, forty-five degrees west, and on line of Merced, to the eastern boundary line of San Benito; thence southeasterly along said boundary line to the eastern boundary of Monterey, and continuing along said Monterey boundary in a southeasterly direction, to a point in the same, which point is south forty-five degrees west from the point on Kings river where northern line of township sixteen south crosses the same; said point being the common corner of Fresno, Monterey, and Kings counties; thence northeasterly on the northwestern boundary of Kings and Tulare counties to said point on the Kings river where the northern line of township sixteen south crosses the same; thence east along northern line of township sixteen south and continuing on said line to the northwest corner of township

El Dorado county.

Fresno county.

sixteen south, range twenty-five east; thence north to the northwest corner of township fifteen south, range twenty-five east; thence east to the northeast corner of township fifteen south, range twenty-seven east; thence north to the northeast corner of township fourteen south of range twenty-seven east; thence east on the line between townships thirteen and fourteen south to the summit of Sierra Nevada, being the western line of Inyo county; thence northwesterly, on the summit line and lines of Inyo and Mono, to the common corner of Mono, Madera, and Fresno; thence westerly and southwesterly on the southern line of Madera to the place of beginning.

SEC. 12. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred nineteen, and to read as follows:

Glenn
county.

3919. *Glenn.* Beginning at a point on the eastern boundary line of Lake, as established in section three thousand nine hundred twenty-five at the northwest corner of the southwest quarter of section twenty-six, township eighteen north, range eight west, Mount Diablo base and meridian; running thence east along the half section line, and one and one-half miles north of the line dividing townships seventeen and eighteen north, of Mount Diablo base and meridian, to the range line separating townships eighteen north, range two west, from eighteen north, range three west; thence running north two miles to northeast corner of southeast quarter of section thirteen, township eighteen north, range three west; running thence east along the half section line to the center of the Sacramento river; thence down the center of the said Sacramento river, in a southeasterly course, to the point of intersection with the half section line, one and one-half miles north of the line dividing townships seventeen and eighteen north, Mount Diablo base and meridian; thence east on said half section line to its intersection with Butte creek, said point of intersection lying on the western boundary of Butte county and being the southeastern corner of Glenn and the northeastern corner of Colusa; thence northerly along the middle of the channel of said Butte creek to the point of intersection with the line between sections three and four of the Aguas Frias rancho as surveyed by La Croze; thence north along the said line between the said sections three and four to its point of intersection with the line between township nineteen north, range one east and township twenty north, range one east; thence west along said line to its intersection with the southern boundary of the Llano Seco grant, on the north line of section two in township nineteen north, range one west; thence southwest along said grant line to the southwest corner of said grant in the center of the Sacramento river; thence northerly, and following the meanderings thereof, along the center of said Sacramento river, to a point where the north line of township twenty-two intersects the center of the Sacramento river, being the initial point of Tehama county, as established

by law; thence west along the north line of township twenty-two north, to the southwest corner of Tehama county, as established in section three thousand nine hundred sixty of the Political Code; thence southerly on the established line between Mendocino and Lake counties, to the place of beginning.

SEC. 13. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twenty, and to read as follows:

3920. *Humboldt*. Commencing at the point where the north line of township twelve north, range one east, Humboldt meridian, intersects with the Pacific ocean; thence east on said township line to the northeast corner of township twelve north, range three east, Humboldt meridian; thence south to the southeast corner of said township twelve north, range three east, Humboldt meridian; thence east on the north boundary line of township eleven north, range four east, eleven north, five east, and eleven north, six east, Humboldt meridian, to the Klamath river; thence following said Klamath river in a southerly direction to the mouth of the Salmon river; thence in a southerly direction, following the ridge of the mountain that divides the waters of the Salmon and its tributaries from the waters of Klamath and Trinity rivers, and their tributaries to the northern line of Trinity county; thence southwesterly on the line of mountain, being the northern line of Trinity, to a point in the Trinity river directly east of the mouth of Mad river; thence southeasterly, up Trinity river, to the mouth of its south fork; thence southeasterly, along the eastern side of said south fork, one hundred feet above high water mark, to the mouth of Grouse creek; thence south, to a point on the fortieth degree of north latitude, being on northern line of Mendocino, and forming southeast corner of Humboldt; thence west on said line, to the Pacific ocean; thence northerly, along the ocean shore to the place of beginning.

Humboldt
county.

SEC. 14. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twenty-one, and to read as follows:

3921. *Imperial*. Beginning on the second standard parallel south of San Bernardino base and meridian, at the common corner of township nine south, range nine east and township nine south, range eight east, said corner being the northwest corner of Imperial and the northeast corner of San Diego; thence east on the said second standard parallel to the state line on the Colorado river; thence down said river to its junction with the boundary line between the United States and Mexico; thence westerly, following that boundary to its intersection with the township line between and dividing township eight and nine east, San Bernardino meridian; thence north along said township line to the place of beginning.

Imperial
county.

SEC. 15. A new section is hereby added to the Political

Code, to be numbered three thousand nine hundred twenty-two and to read as follows:

Inyo county. 3922. *Inyo.* Beginning at the southeast corner of Tulare, as established in section three thousand nine hundred sixty-two, being the point of intersection of sixth standard south, Mount Diablo base, with summit line of Sierra Nevada mountains; thence east, by said standard and extension thereof, to the eastern line of the state, forming southeast corner; thence northwesterly, on state line, to the southeast corner of Mono, as established in section three thousand nine hundred thirty-four; thence west on the southern line of Mono to the summit of the Sierra Nevada mountains, being on the eastern line of Fresno, and forming the southwest corner of Mono and northwest corner of Inyo; thence southeasterly on said summit line to the place of beginning.

SEC. 16. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twenty-three, and to read as follows:

Kern county. 3923. *Kern.* Beginning at northwest corner, being common corner of San Luis Obispo, Kings, and Kern, as established in section three thousand nine hundred sixty-two; thence east, on the sixth standard south of Mount Diablo base, to the northwest corner of section one, township twenty-five south, range forty east, Mount Diablo meridian, said point being the northeast corner of Kern county and the northwest corner of San Bernardino county; thence south on the westerly line of San Bernardino as established in section three thousand nine hundred forty-four to the southeast corner of section thirty-two, township nine north, range seven west, San Bernardino base and meridian, forming the southeast corner of Kern county; thence west along the range line between ranges eight and nine north of San Bernardino base to the northeast corner of section five, township eight north, range nineteen west, San Bernardino base and meridian, said point being at the corner common to Ventura, Los Angeles and Kern counties, as established in section three thousand nine hundred sixty-four; thence westerly and northwesterly along the northern boundary of Ventura as defined in said section to the corner common to Santa Barbara, Ventura and Kern; thence along the northern boundary of Santa Barbara to the corner common to San Luis Obispo, Santa Barbara and Kern; thence northerly along the eastern boundary of San Luis Obispo to the place of beginning.

SEC. 17. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twenty-four, and to read as follows:

Kings county. 3924. *Kings.* Beginning at the northeast corner of section one in township seventeen south, range twenty-two east, Mount Diablo base and meridian; thence south six miles; thence east three miles; thence south nine miles to the southeast corner of section sixteen in township nineteen south, range twenty-three east, Mount Diablo base and meridian; thence west three miles

to the southeast corner of section thirteen in township nineteen south, range twenty-two east, Mount Diablo base and meridian; thence south nine miles to the southeast corner of township twenty south, range twenty-two east, Mount Diablo base and meridian; thence west to the northeast corner of township twenty-one south, range twenty-two east; thence south twenty-four miles to the north boundary 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 corner common to the counties of Kings, Monterey, and Fresno; thence in a northeasterly direction along the boundary line between Fresno and Kings counties, as now established by law, to the corner common to sections thirteen and twenty-four in township twenty south, range eighteen east, Mount Diablo base and meridian, and sections eighteen and nineteen in township twenty south, range nineteen east, Mount Diablo base and meridian, the same being the northwest corner of section nineteen in township twenty south, range nineteen east, Mount Diablo base and meridian; thence north fifteen miles to the southwest corner of section thirty-one in township seventeen south, range nineteen 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.

SEC. 18. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twenty-five, and to read as follows:

3925. *Lake.* Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1885, and approved by H. J. Willey, surveyor general of the State of California, on December 23, 1885; thence due north to the half section line running east and west through section two, township nineteen north, range ten west, Mount Diablo base and meridian; thence east along said half section line through sections two and one of said township, range, base and meridian, and then through section five to the southeast corner of the northeast quarter of said section five, township nineteen north, range nine west, Mount Diablo base and meridian; thence north along the line between and dividing sections four and five of said township, range, base

Lake
county.

and meridian, and continuing north along the line between and dividing sections thirty-two and thirty-three, twenty-eight and twenty-nine, twenty and twenty-one, to the common section corner of section sixteen, seventeen, twenty, and twenty-one, township twenty north, range nine west, said section corner being on the eastern boundary of Mendocino county and being also the common corner of Lake and Glenn counties; thence east between sections sixteen, twenty-one, fifteen, twenty-two, fourteen, twenty-three, thirteen, twenty-four, of township twenty north, range nine west, Mount Diablo meridian, and sections eighteen, nineteen, seventeen, twenty, sixteen, twenty-one, fifteen, twenty-two, township twenty north, range eight west, Mount Diablo meridian, to corner of sections fourteen, fifteen, twenty-two, twenty-three, township twenty north, range eight west, Mount Diablo meridian; thence south between sections twenty-two, twenty-three, twenty-six, twenty-seven, thirty-four, thirty-five, township twenty north, range eight west, Mount Diablo meridian, and sections two, three, ten, eleven, fourteen, fifteen, twenty-two, twenty-three, twenty-six, twenty-seven, thirty-four, thirty-five, township nineteen north, range eight west, Mount Diablo meridian, and sections two, three, ten, eleven, fourteen, fifteen, twenty-two, twenty-three, twenty-six, twenty-seven, to one-quarter section corner on section line dividing sections twenty-six and twenty-seven, township eighteen north, range eight west, Mount Diablo meridian; 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 11, 1893"; thence running westerly along the half section line and one and one-half miles north of the line dividing townships seventeen and eighteen of Mount Diablo base and meridian, to the northwest corner of the southwest one-quarter of section thirty, township eighteen north, range eight west, Mount Diablo base and meridian, said corner being also the northwest corner of Colusa county; thence southerly on the western line of Colusa and Yolo counties to the point on said Yolo county line, where said line is intersected by the boundary line between Napa and Lake counties as defined in "An act to define the northern boundary line of Napa county, adjoining Lake and Yolo counties," approved March 8, 1872; thence southwesterly in a straight line to a large pile of rocks on the southeasterly side of the county road, at the lower and most easterly end of Hunting valley; thence down Hunting creek to its junction with Jericho creek in Jericho valley; thence down Jericho creek to its junction with Putah creek; thence southwesterly in a direct line to the Buttes cañon road at a point near the northwest corner of section nineteen, township ten north, range five west, said point being on the line between Lake and Napa counties as established in "An act to define the boundaries and provide for the organization of Lake

county," approved May 20, 1861; thence westerly on the line established by said act to the summit of Mount St. Helena; thence northwesterly along the summit of the Mayacmas range, being the dividing ridge between the waters flowing into Russian river and those flowing into Clear lake, to the southeast corner of Mendocino and the northeast corner of Sonoma counties as established in section three thousand nine hundred thirty-one; thence northerly along the eastern line of Mendocino county as established in said section, to the place of beginning.

SEC. 19. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-six and to read as follows:

3926. *Lassen*. Beginning at the southwest corner, on the northern line of Sierra, located on the south boundary of township twenty-two north, range sixteen east, Mount Diablo base and meridian, at the corner common to sections thirty-five and thirty-six, and running thence north two miles to the corner common to sections twenty-three, twenty-four, and twenty-six, said township and range; thence east one mile to the east boundary of said township and range at the corner common to sections twenty-four and twenty-five; thence north one mile to the west corner of sections eighteen and nineteen, township twenty-two north, range seventeen east, Mount Diablo base and meridian; thence east one-half mile to the quarter section corner between said sections eighteen and nineteen; thence north one mile to the quarter section corner between sections seven and eighteen, said township and range; thence east one-half mile to the corner common to sections seven, eight, seventeen and eighteen, said township and range; thence north on section lines to the south corner of sections thirty-one and thirty-two, township twenty-three north, range seventeen east, Mount Diablo base and meridian; thence north six miles to the south corner of sections thirty-one and thirty-two, township twenty-four north, range seventeen east, Mount Diablo base and meridian; thence east one-half mile; thence north two miles; thence west one-half mile; thence north two miles; thence west one mile, to the east corner of sections twelve and thirteen, township twenty-four north, range sixteen east, Mount Diablo base and meridian; thence north one-half mile to the quarter section corner on east side of said section twelve; thence west one-half mile to the center of said section twelve; thence north one-half mile to the quarter section corner between sections one and twelve, said township and range; thence west one-half mile to the corner common to sections one, two, eleven, and twelve, said township and range; thence north one-half mile to the quarter section corner between said sections one and two; thence west one-half mile to the center of said section two; thence north one-half mile to the quarter section corner on north boundary of said section two; thence west on township line one-half mile to the south corner of sections thirty-four and thirty-five, township twenty-five north, Lassen county.

Lassen
county.

range sixteen east, Mount Diablo base and meridian; thence north one mile to the corner common to sections twenty-six, twenty-seven, thirty-four, and thirty-five, said township and range; thence west one-half mile to the quarter section corner between said sections twenty-seven and thirty-four; thence north one mile to the quarter section corner between sections twenty-two and twenty-seven, said township and range; thence west one-half mile to the corner common to sections twenty-one, twenty-two, twenty-seven, and twenty-eight, said township and range; thence north one mile to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence west one mile to the corner common to sections sixteen, seventeen, twenty, and twenty-one, said township and range; thence north two miles to the corner common to sections four, five, eight, and nine, said township and range; thence west one-half mile to the quarter section corner between said sections five and eight; thence north three miles to the corner common to sections nineteen, twenty, twenty-nine, and thirty, said township and range; thence west two miles to the corner common to sections twenty-three, twenty-four, twenty-five, and twenty-six, township twenty-six north, range fifteen east, Mount Diablo base and meridian; thence north one and one-half miles to the quarter section corner between sections thirteen and fourteen, said township and range; thence west one mile to the quarter section corner between sections fourteen and fifteen, said township and range; thence north one-half mile to the corner common to sections ten, eleven, fourteen, and fifteen, said township and range; thence west four miles to the west corner of sections seven and eighteen, said township and range; thence north, on township line, one-half mile to the quarter section corner, on east boundary of section twelve, township twenty-six north, range fourteen east, Mount Diablo base and meridian; thence west one mile to the quarter section corner between sections eleven and twelve, said township and range; thence north one-half mile to the corner common to sections one, two, eleven and twelve, said township and range; thence west one mile to the corner common to sections two, three, ten and eleven, said township and range; thence north three-quarters of a mile to the southwest corner of lot five in section two and the southeast corner of lot seven in section three, said township and range; thence west one mile to the southwest corner of lot five in section three and the southeast corner of lot seven in section four, said township and range; thence north one-half mile to the north corner of sections three and four, said township and range; thence west on township line one-half mile to the quarter section corner on south boundary of section thirty-three, township twenty-seven north, range fourteen east, Mount Diablo base and meridian; thence north one mile to the quarter section corner between sections twenty-eight and thirty-three, said township and

range; thence west one-half mile to the corner common to sections twenty-eight, twenty-nine, thirty-two and thirty-three, said township and range; thence north one-half mile to the quarter section corner between said sections twenty-eight and twenty-nine; thence west one mile to the quarter section corner between sections twenty-nine and thirty, said township and range; thence north one-half mile to the corner common to sections nineteen, twenty, twenty-nine and thirty, said township and range; thence west one-half mile to the quarter section corner between said sections nineteen and thirty; thence north one mile to the quarter section corner between sections eighteen and nineteen, said township and range; thence west one-half mile to west corner of said sections eighteen and nineteen; thence north on township line one mile to the east corner of sections twelve and thirteen, township twenty-seven north, range thirteen east, Mount Diablo base and meridian; thence west one and one-half miles to the quarter section corner between sections eleven and fourteen, said township and range; thence north one mile to the quarter section corner between sections two and eleven, said township and range; thence west one-half mile to the corner common to sections two, three, ten and eleven, said township and range; thence north one mile to the north corner of said sections two and three; thence west on township line one mile to the south corner of sections twenty-three and thirty-four, township twenty-eight north, range thirteen east, Mount Diablo base and meridian; thence north one mile to the corner common to sections twenty-seven, twenty-eight, thirty-three and thirty-four, said township and range; thence west one mile to the corner common to sections twenty-eight, twenty-nine, thirty-two, and thirty-three, said township and range; thence north one-half mile to the quarter section corner between said sections twenty-eight and twenty-nine; thence west one mile to the quarter section corner between sections twenty-nine and thirty, said township and range; thence north one-half mile; thence west one and one-half miles to the quarter section corner between sections twenty-four and twenty-five, township twenty-eight north, range twelve east; thence north one and one-half miles to the center of section thirteen, said township and range; thence west two and one-half miles to the quarter section corner between sections fifteen and sixteen, said township and range; thence north one-half mile to the corner common to sections nine, ten, fifteen, and sixteen, said township and range; thence west one mile to the corner common to sections eight, nine, sixteen, and seventeen, said township and range; thence north one-half mile to the quarter section corner between said sections eight and nine; thence west one-half mile to the center of said section eight; thence north one-half mile to the quarter section corner between sections five and eight, said township and range; thence west four miles to the quarter section corner between sections three and ten, township twenty-eight north, range eleven east, Mount Diablo base and meridian;

Lassen
county.

Lassen
county.

thence north one-half mile to the center of said section three; thence west two miles to the center of section five, said township and range; thence south one-half mile to the quarter section corner between sections five and eight, said township and range; thence west one-half mile to the corner common to sections five, six, seven, and eight, said township and range; thence south one-half mile to the quarter section corner between said sections seven and eight; thence west one mile, more or less, to the quarter section corner on the west boundary of said section seven; thence south on township line to the east corner of sections thirteen and twenty-four, township twenty-eight north, range ten east, Mount Diablo base and meridian; thence west one mile to the corner common to sections thirteen, fourteen, twenty-three, and twenty-four, said township and range; thence south one-half mile to the quarter section corner between said sections twenty-three and twenty-four; thence west one mile to the quarter section corner between sections twenty-two and twenty-three, said township and range; thence south one mile to the quarter section corner between sections twenty-six and twenty-seven, said township and range; thence west one-half mile to the center of said section twenty-seven; thence south one-half mile to the quarter section corner between sections twenty-seven and thirty-four, said township and range; thence west one-half mile to the corner common to sections twenty-seven, twenty-eight, thirty-three and thirty-four, said township and range; thence south one-half mile to the quarter section corner between said sections thirty-three and thirty-four; thence west one mile to the quarter section corner between sections thirty-two and thirty-three, said township and range; thence south three miles to the quarter section corner between sections sixteen and seventeen, township twenty-seven north, range ten east, Mount Diablo base and meridian; thence west one mile to the quarter section corner between sections seventeen and eighteen, said township and range; thence south one-half mile to the corner common to sections seventeen, eighteen, nineteen and twenty, said township and range; thence west two miles to the corner common to sections thirteen, fourteen, twenty-three and twenty-four, township twenty-seven north, range nine east, Mount Diablo base and meridian; thence north one mile to the corner common to sections eleven, twelve, thirteen and fourteen, said township and range; thence west one mile to the corner common to sections ten, eleven, fourteen and fifteen, said township and range; thence north one mile to the corner common to sections two, three, ten and eleven, said township and range; thence west three miles to the corner common to sections five, six, seven and eight, said township and range; thence north one mile to the section corner common to sections thirty-one and thirty-two, township twenty-eight north, range nine east; thence west on township line two miles to the south corner of sections thirty-five and thirty-six, township twenty-eight north, range eight east, Mount Diablo

base and meridian; thence north one and one-half miles to the quarter section corner between sections twenty-five and twenty-six, said township and range; thence west one mile to the quarter section corner between sections twenty-six and twenty-seven, said township and range; thence north thirteen miles, more or less, to the quarter section corner between sections twenty-two and twenty-three, township thirty north, range eight east. Mount Diablo base and meridian; thence west fourteen miles, more or less, to the corner common to Shasta, Lassen and Plumas, said corner being the southeast corner of Shasta county and situated in the west half of section twenty-one, township thirty-one north, range six east, Mount Diablo base and meridian; thence north on the eastern line of Shasta to the southern line of Modoc marked by a rock mound, being northwest corner of Lassen and northeast corner of Shasta; thence east, along said line, to the eastern boundary of the state: thence south, along said state line, to the northeast corner of Sierra, as established in section three thousand nine hundred fifty-four; thence west, along the line of Sierra, to the place of beginning.

SEC. 20. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-seven and to read as follows:

3927. *Los Angeles*. Beginning at the intersection of the southwesterly boundary line of the State of California with a line drawn normal to the shore of the Pacific ocean from the southwesterly corner of fractional section twenty-seven, township one south, range twenty west, San Bernardino base and meridian; thence northerly in a straight line three miles to the southwesterly corner of said fractional section twenty-seven; thence north along the west lines of fractional section twenty-seven and sections twenty-two, fifteen, ten and three, township one south, range twenty west, San Bernardino base and meridian, to line number three of the boundary of the Rancho El Conejo; thence northeasterly, southeasterly, northeasterly and northerly along lines numbers three, four, five, six and seven of the boundary of the Rancho El Conejo to a point in said line number seven, being corner number seven of the boundary of the Rancho Simi; thence easterly along line number seven, northerly along line number eight, easterly along line number nine and northerly along line number ten of the boundary of the Rancho Simi to corner number eleven of the Rancho Simi, being in the southerly boundary line of the Rancho San Francisco; thence westerly along the southerly boundary line of the Rancho San Francisco to a point in said line due south of the southwest corner of fractional section twenty, township four north, range seventeen west, San Bernardino base and meridian; thence due north to the southwest corner of said fractional section twenty, said last mentioned corner being in the northerly boundary line of the Rancho San Francisco; thence westerly along the northerly line of the

Los Angeles
county.

Rancho San Francisco to the range line between ranges seven-teen and eighteen west, San Bernardino base and meridian; thence north along said range line to the northeast corner of township five north, range eighteen west, San Bernardino base and meridian; thence west along the township line between townships five and six north to the southwest corner of township six north, range eighteen west, San Bernardino base and meridian; thence north along the range line between ranges eighteen and nineteen west, San Bernardino base and meridian, to the corner common to townships seven and eight north, ranges eighteen and nineteen west, San Bernardino base and meridian; thence west along the south line of township eight north, range nineteen west, to the southwest corner of section thirty-three, township eight north, range nineteen west, San Bernardino base and meridian; thence north along the west lines of sections thirty-three, twenty-eight, twenty-one, sixteen, nine and four, township eight north, range nineteen west, San Bernardino base and meridian, to the northwest corner of said section four, said corner being a point common to the boundaries of the counties of Kern, Ventura and Los Angeles; thence east along the north line of township eight north, San Bernardino base and meridian, to the northeast corner of township eight north, range eight west, San Bernardino base and meridian, said corner being a point common to the boundaries of the counties of San Bernardino, Kern and Los Angeles; thence south along the range line between ranges seven and eight west, to the southeast corner of township six north, range eight west, San Bernardino base and meridian; thence east along the township line between townships five and six north to the northeast corner of township five north, range eight west, San Bernardino base and meridian; thence south along the range line between ranges seven and eight west, to the southeast corner of township five north, range eight west, San Bernardino base and meridian; thence east along township line between townships four and five north, range seven west, to the northeast corner of section six, township four north, range seven west, San Bernardino base and meridian; thence south along the east line of sections six, seven, eighteen, nineteen, thirty and thirty-one, township four north, range seven west, and south along the east line of sections six, seven, eighteen, nineteen, thirty and thirty-one, township three north, range seven west, to the north line of township two north, range seven west, San Bernardino base and meridian; thence west along the north line of township two north, range seven west, to the northwest corner of township two north, range seven west, San Bernardino base and meridian; thence south along the range line between ranges seven and eight west, to the southeast corner of township two north, range eight west, San Bernardino base and meridian; thence southwesterly in a straight line to the northwest corner of the Rancho Cucamonga; thence southwesterly along the northwesterly boundary line of the Rancho Cucamonga to

the most westerly corner of the Rancho Cucamonga, being in section twenty-six, township one north, range eight west, San Bernardino base and meridian; thence southwesterly in a straight line to the northeast corner of the Rancho San Jose; thence southwesterly and westerly along the easterly and southerly boundary lines of the Rancho San Jose to the range line between ranges eight and nine west, in township two south, San Bernardino base and meridian; thence south along the range line between ranges eight and nine west, to the southeast corner of section twelve, township two south, range nine west, San Bernardino base and meridian, said corner being an angle point in the boundary line of the Rancho Santa Ana del Chino; thence westerly, southwesterly, southerly, easterly and southerly along the boundary line of the Rancho Santa Ana del Chino to the southwest corner of the Rancho Santa Ana del Chino, said corner being in the center of section thirty-five, township two south, range nine west, San Bernardino base and meridian; thence southeasterly in a straight line to a point in the south line of section thirty-six, township two south, range nine west, San Bernardino base and meridian, distant fifty-two and eighty-four hundredths feet easterly thereon from the southwest corner of said section thirty-six, said point being common to the boundaries of the counties of San Bernardino, Orange and Los Angeles; thence westerly along the northern line of Orange county as defined in section three thousand nine hundred thirty-eight to the southwesterly boundary line of the State of California; thence northwesterly along the southwesterly boundary line of the State of California to the point of beginning; also including the islands of Santa Catalina and San Clemente with the adjacent waters three miles from shore.

Los Angeles
county.

SEC. 21. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-eight and to read as follows:

3928. *Madera*. Beginning at a point where the third standard line south of Mount Diablo base line crosses the San Joaquin river; thence up the middle of said river, following the meanderings thereof southeasterly and northeasterly, to the point where said river crosses the south boundary line of township six south, of range twenty-four east, Mount Diablo base and meridian; thence running northeast to the boundary line of Mono county; thence following the western line of Mono county and southern line of Tuolumne to the corner common to the counties of Tuolumne, Mariposa, and Madera; thence following the southern line of Mariposa, to the southeast corner of Merced; thence westerly, following the southern line of Merced to a point where said line is intersected by the San Joaquin river; thence following up the middle of said river to the point of beginning.

Madera
county.

SEC. 22. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-nine and to read as follows:

Marin
county.

3929. *Marin*. Beginning in the Pacific ocean at southwestern corner of Sonoma; thence southeasterly along southern line of Sonoma, as established in section three thousand nine hundred fifty-seven, to the mouth of Petaluma creek; thence to common corner of Marin, Sonoma, Contra Costa, and Solano, in San Pablo bay, as established in section three thousand nine hundred fifty-seven; thence southerly along the western boundary of Contra Costa, in the bay of San Pablo, to the middle of the straits of San Pablo; thence southerly, in a direct line, to Invincible rock, in the bay of San Francisco, near the entrance of the straits of San Pablo; thence, in a direct line, to northwestern point of Red rock; thence southerly to the extreme southerly point of Angel island; thence southwesterly to the extreme end of Point Cavallo at low-water mark; thence on the line of low-water mark along the northern shore of the bay to Point Bonita, and three miles into the Pacific ocean, to the northwestern corner of San Francisco, as established in section three thousand nine hundred forty-six; thence northwesterly by ocean shore to the place of beginning.

SEC. 23. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty and to read as follows:

Mariposa
county.

3930. *Mariposa*. Beginning on the boundary line of Madera county, where the Stockton road to Millerton crosses the Chowchilla creek, known as Newton's crossing; thence north, forty-six degrees east, to the southwest corner of section eleven, and the northwest corner of section fourteen, in township six south, range twenty east, of Mount Diablo meridian; thence east to the northwest corner of section fourteen, in township six south, range twenty-one east; thence north to the northwest corner of section thirty-five, township five south, range twenty-one east; thence east to the southwest corner of section thirty, in township five south, range twenty-two east; thence north to the southwest corner of the Mariposa Big Tree Grant; thence east, along the line of said grant to the southeast corner of said grant; thence north, along line of said grant to the northeast corner of the same; thence north to the original boundary line between the counties of Mariposa and Fresno; thence northeasterly along said line to the boundary line of Tuolumne county; thence westerly, by the southerly boundary of Tuolumne, to the southwest corner thereof, being common corner of Stanislaus, Merced, Tuolumne, and Mariposa; thence southeasterly, on the eastern line of Merced, as established in section three thousand nine hundred thirty-two, to the place of beginning.

SEC. 24. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-one and to read as follows:

3931. *Mendocino*. Beginning at the southwest corner of Humboldt, as established in section three thousand nine hundred twenty; thence east on the southern line of Humboldt to the west boundary of Trinity county as established in section three thousand nine hundred sixty-one; thence southerly along said west boundary of Trinity county two miles more or less to the southwest corner of said county as described in said section three thousand nine hundred sixty-one; thence east along the southern boundary of Trinity county to the summit of the Coast Range mountains, forming the southeast corner of Trinity and the northeast corner of Mendocino county and being the western boundary of Tehama county as established in section three thousand nine hundred sixty; thence southerly along the said western boundary of Tehama county to the southwest corner of the said county which is also the northwest corner of Glenn county; thence south along the half section line running south through sections two, eleven, fourteen, and twenty-three to the middle of said section twenty-three in township twenty-two north, range ten west, Mount Diablo base and meridian; thence east along the half section line through sections twenty-three and twenty-four to the southeast corner of the northeast quarter of section twenty-four; thence south on the range line between ranges nine and ten west, to the southwest corner of section thirty-two in township twenty-two north, range nine west; thence east along the line between and dividing sections five and thirty-two to the southeast corner of said section thirty-two; thence south on the line between and dividing sections four and five, eight and nine, sixteen and seventeen, twenty and twenty-one, twenty-eight and twenty-nine, thirty-two and thirty-three, all in township twenty-one north, range nine west, Mount Diablo base and meridian to the southeast corner of section thirty-two; thence east on the line dividing townships twenty and twenty-one north, range nine west, the same being the fourth standard parallel line north, seven hundred seventy-five feet, more or less, to the northeast corner of section five in township twenty north, range nine west; thence south along the line between and dividing sections four and five, eight and nine, sixteen and seventeen, twenty and twenty-one, twenty-eight and twenty-nine, thirty-two and thirty-three, all of township twenty north, range nine west; thence continuing south along the line between and dividing sections four and five of township nineteen north, range nine west to the southeast corner of the northeast quarter of said section five, township nineteen north, range nine west; thence west along the said half section line through section five and then through sections one and two in township nineteen north, range ten west, Mount Diablo base and meridian, to a point on said line due north from the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1855, and approved by H. J. Willey,

Mendocino
county.

surveyor general of the State of California, on December 23, 1885; thence due south to said monument; thence due south to the half section line running east and west through section eleven, township nineteen north, range ten west, Mount Diablo base and meridian; thence west along said half section line through sections eleven, ten, nine, eight, and seven of said township, range, base and meridian; and thence through section twelve, township nineteen north, range eleven west, Mount Diablo base and meridian; to the center of said section twelve; thence south one-half mile to the quarter section corner on the south boundary of said section twelve; thence west one mile to the quarter section corner between sections eleven and fourteen, said last mentioned township and range; thence south one-half mile to the center of said section fourteen; thence west one mile to the center of section fifteen, said township and range; thence south along the half section line running through sections fifteen, twenty-two, twenty-seven, and thirty-four, to the quarter section corner on the south line of section thirty-four, said township nineteen north, range eleven west, Mount Diablo base and meridian; thence west along the township line between townships eighteen and nineteen north, range eleven west, Mount Diablo base and meridian, to the northwest corner of lot three, section three, township eighteen north, range eleven west, Mount Diablo base and meridian; thence south along the line dividing the east half of the west half from the west half of the west half of said section three, a distance of one mile to the south boundary line of said section three; thence west along the south boundary of said section three to the corner common to sections three, four, nine, and ten, said township and range; thence south along the section line between sections nine and ten and fifteen and sixteen, a distance of two miles to the corner of sections fifteen, sixteen, twenty-one and twenty-two, said last mentioned township and range; thence east along the line between sections fifteen and twenty-two to the corner of sections fourteen, fifteen, twenty-two and twenty-three, said township nineteen north, range eleven west; thence south along the section line between sections twenty-two and twenty-three, and twenty-six and twenty-seven, a distance of two miles to the corner of sections twenty-six, twenty-seven, thirty-four, and thirty-five, said township and range; thence east along the section line between sections twenty-six and thirty-five, a distance of one-half mile to the quarter section corner between last mentioned sections; thence south along the half section line one mile to the quarter section corner on the south boundary of section thirty-five, township eighteen north, range eleven west, Mount Diablo base and meridian; thence east along the township line on the north boundary of township seventeen north, range eleven west, Mount Diablo base and meridian, to the northeast corner of section two, said township and range; thence south along the section line between sections one and two, and eleven and twelve, a distance of two miles to the corner of sections eleven, twelve, thirteen, and fourteen; thence

cast along the section line between sections twelve and thirteen, a distance of one-half mile to the quarter section corner between said sections; thence south along the half section line a distance of one mile to the quarter section corner between sections thirteen and twenty-four; thence east along the section line between said sections thirteen and twenty-four, a distance of one-half mile to the line between townships seventeen north, ranges ten and eleven west, Mount Diablo base and meridian; thence south along said line a distance of three miles to the corner of townships sixteen and seventeen north, ranges ten and eleven west, Mount Diablo base and meridian; thence east along the north line of township sixteen north, range ten west, Mount Diablo base and meridian, to the northeast corner of section six, said township and range; thence south along the section line between sections five and six and seven and eight, a distance of one and one-half miles to the quarter section corner between sections seven and eight; thence cast along the half section line a distance of one-half mile to the center of said section eight; thence south along the half section line a distance of one and one-half miles to the quarter section corner between sections seventeen and twenty, said township and range; thence west along the section line a distance of one mile to the quarter section corner between sections eighteen and nineteen; thence south along the half section line a distance of one mile to the quarter section corner between sections nineteen and thirty; thence west one-half mile more or less, to the corner of sections nineteen, twenty-four, twenty-five, and thirty, township sixteen north, ranges ten and eleven west, Mount Diablo base and meridian; thence south along the range line between said ranges ten and eleven, a distance of one-half mile to the quarter section corner on the east boundary of section twenty-five, township sixteen north, range eleven west; thence west along the north line of lot three, section twenty-five, said township and range, a distance of one-quarter mile, more or less, to the northwest corner of said lot three; thence south along the west line of lots three and four, said section twenty-five, a distance of one-half mile to the south boundary of said section twenty-five; thence west along the south line of said section twenty-five to the quarter section corner between sections twenty-five and thirty-six, said township and range; thence south along the half section line, a distance of one-half mile to the center of said section thirty-six; thence west along the half section line a distance of one-fourth mile to the northwest corner of the northeast quarter of the southwest quarter of said section thirty-six; thence south along the west line of the northeast quarter of the southwest quarter and the west line of lot six of said section thirty-six, to the north boundary of township fifteen north, range eleven west, Mount Diablo base and meridian; thence west along said township line to the quarter section corner on the north boundary of section two, township fifteen north, range eleven west, Mount Diablo base and meridian; thence south

Mendocino
county.

Mendocino
county.

along the half section line to the quarter section corner between sections two and eleven, said township and range; thence west along the section line between sections two and eleven one-quarter mile to the northwest corner of the east half of the northwest quarter of said section eleven; thence south along the west line of the said east half of the northwest quarter of section eleven, a distance of one-half mile to the half section line running east and west through said section eleven; thence west along said half section line one and three-quarters miles to the center of section nine, said township and range; thence south along the half section line a distance of two and one-half miles to the quarter section corner between sections twenty-one and twenty-eight; thence west along the section line a distance one-half mile to the corner of sections twenty, twenty-one, twenty-eight, and twenty-nine; thence south along the section line a distance of two miles to the line on the north boundary of township fourteen north, range eleven west, Mount Diablo base and meridian; thence east along said township line a distance of three and sixty-five hundredths chains to the northwest corner of section four, township fourteen north, range eleven west, Mount Diablo base and meridian; thence south along the section line a distance of one mile to the corner of sections four, five, eight, and nine, said township and range; thence west along the section line a distance of one-half mile to the quarter section corner between sections five and eight; thence south along the half section line to the quarter section corner on the south boundary of section eight; thence east along the section line between sections eight and seventeen, a distance of five and ninety-hundredths chains more or less, to the quarter section corner on the north boundary of section seventeen; thence south along the half section line a distance of one-half mile to the center of said section seventeen; thence east along the half section line a distance of one-half mile to the quarter section corner between sections sixteen and seventeen; thence south along the section line a distance of one-half mile to the corner of sections sixteen, seventeen, twenty, and twenty-one; thence east along the section line a distance of one mile to the corner of sections fifteen, sixteen, twenty-one and twenty-two; thence south along the section line a distance of one mile to the corner of sections twenty-one, twenty-two, twenty-seven, and twenty-eight; thence east along the section line a distance of one-half mile to the quarter section corner between sections twenty-two and twenty-seven; thence south along the half section line two miles to the north boundary of township thirteen north, range eleven west, Mount Diablo base and meridian; thence east along the township line one-half mile to the northwest corner of section two, said township and range; thence south along the section line a distance of one-half mile to the quarter section corner between sections two and three; thence east along the half section line a distance of one-half mile to the center of said section two; thence south along the half section line a distance of one-half mile to the

quarter section corner between sections two and eleven; thence east along the section line a distance of one-half mile to the corner of sections one, two, eleven, and twelve; thence south along the section line a distance of one-half mile to the quarter section corner between sections eleven and twelve; thence east along the half section line a distance of one-half mile to the center of said section twelve; thence south along the half section line a distance of one-quarter mile to the corner of lots two, three, six, and seven, said section twelve; thence east along the south line of lots one and two of said section twelve, a distance of one-half mile to the line between townships thirteen north, ranges eleven and twelve west, Mount Diablo base and meridian; thence north along said range line a distance of nine and twenty-five hundredths chains to the southwest corner of section five, township thirteen north, range ten west, Mount Diablo base and meridian; thence east along the section line a distance of eighty-nine chains to the corner of sections four, five, eight, and nine; thence south along the section line a distance of one mile to the corner of sections eight, nine, sixteen, and seventeen; thence east along the section line a distance of one-half mile to the quarter section corner between sections nine and sixteen; thence south along the half section line a distance of two and one-half miles to the center of section twenty-eight; thence east along the half section line a distance of one-half mile to the quarter section corner between sections twenty-seven and twenty-eight; thence south along the section line a distance of one mile to the quarter section corner between sections thirty-three and thirty-four; thence east along the half section line, a distance of one-half mile to the center of section thirty-four; thence south along the half section line a distance of one-half mile to the north boundary of township twelve north, range ten west, Mount Diablo base and meridian; thence east along said township line a distance of fifty-five chains to the northeast corner of section three, township twelve north, range ten west; thence south along the section line a distance of one and one-half miles to the quarter section corner between sections ten and eleven; thence east along the half section line a distance of two miles to the line between townships twelve north, ranges nine and ten west, Mount Diablo base and meridian; thence south along the line between said ranges nine and ten a distance of one-half mile to the corner of sections seven, twelve, thirteen, and eighteen, said townships and ranges; thence east along the section line a distance of one mile to the corner of sections seven, eight, seventeen, and eighteen, township twelve north, range nine west, Mount Diablo base and meridian; thence south along the section line a distance of one mile to the corner of sections seventeen, eighteen, nineteen, and twenty; thence east along the section line a distance of one mile to the corner of sections sixteen, seventeen, twenty, and twenty-one; thence south along the section line a distance of one-half mile to the quarter section corner between

Mendocino
county.

Mendocino
county.

sections twenty and twenty-one; thence east along the half section line a distance of one mile to the quarter section corner between sections twenty-one and twenty-two; thence south along the section line a distance of one-half mile to the corner of sections twenty-one, twenty-two, twenty-seven, and twenty-eight; thence east along the section line a distance of one mile to the corner of sections twenty-two, twenty-three, twenty-six, and twenty-seven; thence south along the section line a distance of one-half mile to the quarter section corner between sections twenty-six and twenty-seven; thence east along the half section line a distance of one mile to the quarter section corner between sections twenty-five and twenty-six; and thence south along the section line a distance of one-half mile to the corner of sections twenty-five, twenty-six, thirty-five, and thirty-six. township twelve north, range nine west. Mount Diablo base and meridian, said point being the southeast corner of Mendocino and the northeast corner of Sonoma county; thence westerly on the northern line of Sonoma to the Pacific ocean; thence northerly along the ocean shore to the place of beginning.

SEC. 25. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-two and to read as follows:

Merced
county.

3932. *Merced*. Beginning at northwest corner, being southwest corner of Stanislaus as shown on survey and map of A. J. Stakes, 1868; thence northeasterly, on southern line of Stanislaus, as described in section three thousand nine hundred fifty-eight, to common corner of Tuolumne, Mariposa, Merced, and Stanislaus, as established in said section; thence southeasterly, by direct line, being western line of Mariposa, to Phillips' ferry, on Merced river; thence southeasterly, on line of Mariposa, being line shown on "map of Mariposa county," to Newton's crossing on Chowchilla creek, forming southeast corner; thence down the northern side and on high-water mark, being on line of Madera to the lower clump of cottonwood timber at the sink of said creek; thence south, forty-five degrees west, to the eastern line of San Benito, forming southwest corner; thence northwesterly, by said line of San Benito and Santa Clara, to the place of beginning.

SEC. 26. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-three and to read as follows:

Modoc
county.

3933. *Modoc*. Commencing at the northeast corner of the State of California; thence west, along the northern boundary line of said state, to the range line between ranges numbers four and five east, of Mount Diablo base and meridian; thence due south, on said range line, to the southern boundary line of Siskiyou county; thence east along an extension of said southern boundary line, to the state line; and thence north to the place of beginning.

SEC. 27. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-four and to read as follows:

3934. *Mono.* Beginning at north corner on state line, being east corner of Alpine, as established in section three thousand nine hundred ten; thence southwesterly, on the easterly line of Alpine, as established in section three thousand nine hundred ten, to the main summit of the Sierra Nevada mountains; thence southerly, along said summit, on easterly line of Alpine, Tiolumne, Madera, and Fresno, to a point where the northern line of township six south, Mount Diablo base, intersects said summit line, forming southwest corner; thence east, on said township line, being the northern line of Inyo, to the eastern line of the state, forming southeast corner; thence northwest, on the state line, to the place of beginning.

Mono county.

SEC. 28. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-five and to read as follows:

3935. *Monterey.* Beginning in Pacific ocean, at southwest corner of Santa Cruz, as established in section three thousand nine hundred fifty-two; thence east to the mouth of Pajaro river, on the bay of Monterey; thence up said stream to a point in its center, said point being the northwest corner of the Rancho las Arromitas y Agua Caliente, and being also the northwest corner of San Benito county, and running thence in a southerly direction along the southwest boundary of said rancho to the southwest corner thereof; thence southerly in a direct line to the northwest corner of the Rancho las Vergelos; thence southerly in a direct line to the summit of the Gavilan range of mountains; and thence southeasterly along the summit of said Gavilan mountains to the Chalone peak; thence southeasterly in a direct line to the division line of the parts of the San Lorenzo Sobrantes owned respectively by Breen and Dunn; thence along said dividing line of said rancho to the southern boundary thereof; thence due south to the San Lorenzo creek; thence southeasterly up said San Lorenzo or Lewis creek, and up the north fork thereof, to the summit of the divide between the waters of said Lewis creek and San Benito creek; thence, following said divide southerly, to the summit of the Coast range of mountains, this being the common corner of Monterey, San Benito and Fresno counties; thence southeasterly along the summit of the Coast range to the sixth standard south, Mount Diablo base, being the common corner of San Luis Obispo, Kern, Tulare, and Monterey; thence following the northern boundary of San Luis Obispo county, on said standard line and extension thereof, to the Pacific ocean; thence along the shore northerly to the place of beginning.

Monterey county.

SEC. 29. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-six and to read as follows:

3936. *Napa.* Beginning at southwestern corner, at a point in Huichica creek where the said creek empties into San Pablo bay; thence east to the mountains dividing Napa valley from Suisun valley, forming southeastern corner; thence northerly along the summit line of said mountains to its intersection with

Napa county.

Napa
county.

the first standard north, Mount Diablo base, marked by a rock monument erected by Ralph Norris; thence east along said standard line seven and three-fourth miles to Vaca mountains, which divide the Vaca and Suisun valleys; thence northerly along the main ridge of said Vaca mountains to Putah creek, at a point called the Devil's Gate; thence northerly across said creek to and along the mountains dividing Berryessa valley from Sacramento valley to the southeast corner of Lake county on the western line of Yolo; thence southwesterly along the southern line of Lake, as established in section three thousand nine hundred twenty-five, to its intersection with the eastern line of Sonoma; thence southeasterly on said line of Sonoma to the western branch of the headwaters of Huichica creek; thence westerly to the main ridge that divides the Huichica valley from the Sonoma valley; thence southerly along the said dividing ridge to the tule bordering on San Pablo bay; thence southerly to the center of the Huichica creek; thence down said creek to its mouth, the place of beginning.

SEC. 30. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-seven and to read as follows:

Nevada
county.

3937. *Nevada.* 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 thirty-nine; 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.

SEC. 31. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-eight and to read as follows:

Orange
county.

3938. *Orange.* Beginning at the northwest corner of San Diego county at a point in the Pacific ocean opposite San Mateo point; thence northerly along the northwestern boundary of San Diego county, as defined in section three thousand nine hundred forty-five, to the southwest corner of Riverside county; thence northerly along the western boundary of said county, as defined in section three thousand nine hundred forty-one, to the corner common to Riverside, San Bernardino

and Orange counties; thence northwesterly along the south-^{Orange}
west boundary of San Bernardino county to the point of inter-^{county.}
section of said boundary with the southerly line of township
two south, range nine west; thence westerly along the town-
ship line between townships two and three south, San Bernar-
dino base and meridian, to the corner common to townships
two and three south, ranges ten and eleven west, San Bernar-
dino base and meridian; thence southerly along the range
line between ranges ten and eleven west, San Bernardino base
and meridian, to the southeast corner of section thirteen,
township three south, range eleven west, in the Rancho Los
Coyotes; thence in a general southwesterly direction along
section lines, quarter section lines and quarter quarter section
lines in the Rancho Los Coyotes, as follows: westerly along
section line to the quarter corner on the south line of said
section thirteen; thence southerly along quarter section line
to the center of section twenty-four, township three south,
range eleven west; thence westerly along quarter section line
to the quarter corner on the west line of said section twenty-
four; thence southerly along section line to the southwest
corner of said section twenty-four; thence westerly along
section line to the quarter corner on the north line of section
twenty-six, township three south, range eleven west; thence
southerly along quarter section line to the center of said sec-
tion twenty-six; thence westerly along quarter section line to
the quarter corner on the west line of said section twenty-six;
thence southerly along section line to the southwest corner
of said section twenty-six; thence westerly along section line
to the northeast corner of section thirty-three, township three
south, range eleven west; thence southerly along section line
to the quarter corner on the east line of said section thirty-
three; thence westerly along quarter section line to the center
of said section thirty-three; thence southerly along quarter
section line to the northeast corner of the southeast one-
quarter of the southwest one-quarter of said section thirty-
three; thence westerly along quarter quarter section line to
the center of the southwest one-quarter of said section thirty-
three; thence southerly along quarter quarter section line to
the south line of said section thirty-three; thence westerly
along the township line between townships three and four
south, to the northeast corner of section five, township four
south, range eleven west; thence southerly along section line
to the northeast corner of the southeast one-quarter of said
section five; thence westerly along quarter section line to the
northwest corner of the northeast one-quarter of the south-
east one-quarter of said section five; thence southerly
along quarter quarter section line to the center of the south-
east one-quarter of said section five; thence westerly along
quarter quarter section line to the westerly line of the south-
east one-quarter of said section five; thence southerly along
quarter section line to the quarter corner on the south line of
said section five; thence westerly along section line to the

Orange
county.

northeast corner of the northwest one-quarter of the northwest one-quarter of section eight, township four south, range eleven west; thence southerly along quarter quarter section lines to the northeast corner of the southwest one-quarter of the southwest one-quarter of said section eight; thence southwesterly in a straight line to the northeast corner of section eighteen, township four south, range eleven west; thence south zero degrees, eleven minutes, fifty seconds east, along section line to the boundary line between Rancho Los Coyotes and Rancho Los Alamitos; thence south fifty-nine degrees, seven minutes, forty seconds west, a distance of three thousand three hundred ninety-one and forty-eight hundredths feet; thence south thirty-nine degrees, forty-eight minutes, twenty seconds west, a distance of five thousand six hundred fifty and ninety-seven hundredths feet; thence south eleven degrees, thirty-six minutes, fifty-five seconds west, a distance of two thousand two hundred forty-one and forty-one hundredths feet; thence south twenty-seven degrees, fifty-five minutes, fifty-five seconds west, a distance of eight thousand three hundred seventy-five and forty hundredths feet; thence south thirty-one degrees, twenty-two minutes, fifty seconds east, a distance of one thousand two hundred ninety-six and twenty-one hundredths feet; thence south twenty-seven degrees, twelve minutes, zero seconds east, a distance of two thousand one hundred six and ten hundredths feet; thence south sixteen degrees, forty-six minutes, forty-five seconds east, a distance of one thousand four hundred forty-four and eighty-two hundredths feet; thence south two degrees, forty-eight minutes, thirty-five seconds east, a distance of two thousand two hundred seven and ninety-four hundredths feet; thence south fifty-seven degrees, ten minutes, forty seconds west, a distance of eight thousand two hundred thirty-eight and seventy-eight hundredths feet; thence south thirty-three degrees, zero minutes, zero seconds west, a distance of six hundred twenty-two and forty-three hundredths feet to a point on the northeasterly line of block fifty-nine, Alamitos bay tract, as shown on map recorded in map book 5, page 137, on file in the office of the recorder of the county of Los Angeles, distant thereon south fifty-seven degrees, fifty minutes, forty-five seconds east, a distance of four hundred twenty-eight and ninety-one hundredths feet from the most northerly corner of said block fifty-nine; thence continuing south thirty-three degrees, zero minutes, zero seconds west, a distance of three miles, more or less to the southwesterly boundary line of the State of California (the boundary line between Los Angeles and Orange counties hereinabove described and hereby established being shown on county surveyor's map No. 8175 on file in the office of the surveyor of the county of Los Angeles; and likewise on map No. 300 on file in the office of the surveyor of Orange county); thence southeasterly by state line to point of beginning.

SEC. 32. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-nine and to read as follows:

3939. *Placer*. Beginning at a point where the west line of township ten north, range five east, Mount Diablo meridian, intersects the northern line of Sacramento county, as established in section three thousand nine hundred forty-two; thence north on range line to the northwest corner of section six, in township ten north, range five east; thence east on township line to the southwest corner of section thirty-one, township eleven north, range five east; thence north on range line to the northwest corner of township twelve north, range five east; thence east to the southwest corner of section thirty-four, township thirteen north, range five east; thence north to Bear river; thence on the southern line of Yuba and Nevada counties, up said river to its source; thence east in a direct line to the eastern line of the State of California, forming the northeast corner; thence southerly along said line to the northeast corner of El Dorado county, as established in section three thousand nine hundred seventeen; thence westerly, on the northern lines of El Dorado and Sacramento counties, as established in section three thousand nine hundred seventeen, and section three thousand nine hundred forty-two, to the place of beginning.

SEC. 33. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty and to read as follows:

3940. *Plumas*. Beginning at the corner common to Plumas, Butte and Yuba counties, situated in the northwest quarter of section fifteen, township twenty north, range eight east, Mount Diablo base and meridian and indicated by a large spruce tree standing in front of the Buckeye House marked "Corner of Plumas, Butte and Yuba" and running thence northeasterly by direct line to the corner common to Plumas, Sierra and Yuba counties in Slate creek situated in the northeast quarter of section thirty-one, township twenty-one north, range nine east, Mount Diablo base and meridian at a point where the third course or terminating north and south line of survey of Keddie and Church, made June 19, 1866, crosses said creek; thence northeasterly up said creek to its intersection with the first north and south line of said survey in the northeast quarter of section eleven, township twenty-one north, range nine east, Mount Diablo base and meridian; thence north along said line to the initial point thereof, being the summit line of the ridge dividing the waters of the Feather river from the waters of the Yuba river, situate in the southeast quarter of section twenty-six, township twenty-two north, range nine east, Mount Diablo base and meridian; thence easterly, on said summit line, and east to "The Falls" about one mile below the outlet of Gold lake; thence east to the range line between township twenty-one north, range thirteen east, and township

Plumas
county

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 base and meridian; thence east on the line between townships twenty-one and twenty-two north, Mount Diablo base, to the corner common to Plumas, Lassen and Sierra counties, said corner being the southeast corner of Plumas county and the southwest corner of Lassen county, said point also being the corner common to sections one and two, township twenty-one north, range sixteen east, Mount Diablo base and meridian, and sections thirty-five and thirty-six, township twenty-two north, range sixteen east, Mount Diablo base and meridian; thence northwesterly, on the southwestern irregular line of Lassen, as established in section three thousand nine hundred twenty-six, to the corner common to Shasta, Lassen and Plumas, as established in said section; thence west nine miles more or less on the southern line of Shasta to the northeast corner of Tehama, as established in section three thousand nine hundred sixty; thence southerly, on the ridge, being eastern line of Tehama, to the common corner of Tehama, Butte and Plumas counties, as established in section three thousand nine hundred twelve; thence southerly along the eastern boundary of Butte county, as established in said section, to the place of beginning.

SEC. 34. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-one and to read as follows:

Riverside
county.

3941. *Riverside.* Beginning at the corner common to Orange, San Bernardino and Riverside counties, being located at the point of intersection of the easterly boundary of the El Cañon de Santa Ana rancho with course number seven of the boundary line, established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino counties; thence southeasterly along said line of survey to the point of beginning of said joint survey, it being upon the northern boundary of San Diego county, as it was then established; thence southwesterly to a point on the eastern line of Rancho Mission Viejo or La Paz two miles north of the south boundary of township seven south, San Bernardino base and meridian; thence south along said boundary to the point of intersection of said line with the township line between township seven south and township eight south, San Bernardino base and meridian; thence easterly along said township line to its intersection with western boundary of Santa Rosa rancho; thence southerly along the boundary of said rancho to where said boundary of said rancho intersects the range line between the townships eight south, three west, and eight south, four west; thence south on said range line to the point of intersection of the said line with the second standard parallel south; thence east along said parallel to the eastern boundary of the State of California; thence northerly along the said eastern boundary of the State of

California to its point of intersection with the east and west center line of township one south, range twenty-four east, San Bernardino base and meridian, or the prolongation thereof; thence westerly along section lines to the southeast corner of section seventeen, township one south, range sixteen east, San Bernardino base and meridian; thence south to the southeast corner of section thirty-two, same township and range, said point being on the township line between townships one and two south, San Bernardino base and meridian; thence west on said township line to the northeast corner of township two south, range one west, San Bernardino base and meridian, thence south to the southeast corner of section twelve, township two south, range one west, San Bernardino base and meridian; thence west to the southwest corner of section eight, township two south, range three west, San Bernardino base and meridian; thence north to the northwest corner of said section eight; thence west to the quarter corner of the south line of section two, township two south, range five west, San Bernardino base and meridian; thence north to the quarter corner on the north line of said section two; thence west to the southwest corner of section thirty-one, township one south, range six west; thence south along section lines to the northern boundary of the Jurupa rancho; thence southwesterly along said north boundary to the northwest corner of said rancho; thence south along the west boundary of said Jurupa rancho to the quarter corner on the east line of section nine, township three south, range seven west; thence west in a direct line to center of section seven, same township and range; thence south in a direct line, to the quarter corner on the south line of section nineteen, township three south, range seven west, thence west to the east boundary of the El Canon de Santa Ana rancho; thence southerly along the easterly boundary of said rancho to the place of beginning.

Riverside
county.

SEC. 35. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-two and to read as follows:

3942. *Sacramento.* Beginning on the northern line of the county, at a point ten miles north of a point which was, on the thirtieth of March, 1857, the mouth of the American river; thence easterly to the junction of the north and south forks of said river; thence up the principal channel of the south fork to a point one mile above Mormon island, so as to include said island in Sacramento county, forming the northeast corner; thence southerly to a point on the Cosumnes river, eight miles above the house of William Daylor; thence south to Dry creek, forming southeast corner; thence down said Dry creek to its entrance into Mokelumne river; thence down the Mokelumne river to a point where said river divides into east and west branches; thence down the west branch to its junction with the east branch; thence down said river to its junction with the San Joaquin river; thence down the San Joaquin river to the mouth of the Sacramento river, at the head of

Sacramento
county.

Suisun bay, forming southwest corner; thence up the Sacramento river to the mouth of Steamboat slough, formerly called Merritt slough; thence up said slough to the mouth of Sutter slough; thence up said Sutter slough to the Sacramento river; thence up the Sacramento river to a point west of the place of beginning, forming the northeast corner of Sacramento county; thence east to the place of beginning.

SEC. 36. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-three and to read as follows:

San Benito
county.

3943. *San Benito*. Commencing at a point in the center of the Pajaro river, said point being the northwest corner of the Rancho las Arromitas y Agua Caliente, and being on the northern boundary line of Monterey county, and running thence in a southerly direction along the southwest boundary of said rancho to the southwest corner thereof; thence southerly in a direct line to the summit of the Gabilan range of mountains, and thence southeasterly along the summit of said Gabilan mountains to the Chalone peak; thence southeasterly in a direct line to the division line of the parts of the San Lorenzo Sobrantes rancho owned respectively by Breen and Dunn; thence along said dividing line of said rancho to the southern boundary thereof; thence due south to the San Lorenzo creek; thence southeasterly up the center of said San Lorenzo or Lewis creek, and up the north fork thereof, to the summit of the divide between the waters of said Lewis creek and San Benito creek; thence following said divide southerly to the eastern boundary of Monterey county and the summit of the Coast Range mountains; thence northerly, following the summit of said mountains to where the range line between townships eighteen south, of ranges twelve and thirteen east, Mount Diablo meridian, crosses the same; thence northerly along said range line to the northeast corner of township eighteen south, range twelve east; thence northerly along said township line to the south line of township sixteen south, range thirteen east, Mount Diablo base and meridian; thence west to the southeast corner of township sixteen south, range twelve east, Mount Diablo base and meridian; thence northwest in a straight line to the northeast corner of township fourteen south, range nine east; thence in a straight line northwesterly, running toward the northeast corner of township thirteen south, range seven east, to a point where said line intersects the present boundary line between the counties of San Benito and Merced; thence along the present boundary line between the counties of San Benito and Merced to the northeast corner of San Benito county and southeast corner of Santa Clara county; thence following the present county line between the counties of Santa Clara and San Benito, and Santa Cruz and San Benito, to the place of beginning.

SEC. 37. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-four and to read as follows:

3944. *San Bernardino*. Beginning at the northwest corner of section one, township twenty-five south, range forty east, Mount Diablo base and meridian; thence east along the township line between townships twenty-four and twenty-five south of the Mount Diablo base line, to the San Bernardino meridian line; thence along said San Bernardino meridian line to the quarter section corner on the west line of section thirty, township twenty north, range one east, San Bernardino base and meridian; thence east following the one-half section line to the eastern boundary of the State of California; thence southeasterly and southerly along said state line to its intersection with the east and west center line of township one south, range twenty-four east, San Bernardino base and meridian, or the prolongation thereof; thence westerly along the northern boundary of Riverside county as defined in section three thousand nine hundred forty-one to the corner common to Orange, Riverside and San Bernardino counties; thence northwesterly along the boundary line established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino counties to the corner common to San Bernardino, Los Angeles and Orange counties as defined in section three thousand nine hundred twenty-seven; thence northerly along the eastern boundary of Los Angeles county as defined in said section to the corner common to Los Angeles, Kern and San Bernardino counties, situated at the northeast corner of township eight north, range eight west, San Bernardino base and meridian; thence east on township line between townships eight and nine north of San Bernardino base line to the section line between sections thirty-two and thirty-three, township nine north, range seven west, San Bernardino base and meridian; thence north following section lines to the eighth standard parallel south of Mount Diablo base line; thence east along said eighth standard parallel to the southwest corner of township thirty-two south, range forty-one east, Mount Diablo base and meridian; thence north along township line to the seventh standard parallel south of Mount Diablo base line; thence along said standard parallel to the southwest corner of section thirty-six, township twenty-eight south, range forty east, Mount Diablo base and meridian; thence north along section lines to the northwest corner of section one, township twenty-five south, range forty east, Mount Diablo base and meridian, said point being the place of beginning.

San Bernardino county.

SEC. 38. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-five and to read as follows:

3945. *San Diego*. Beginning at the southwest corner of the State of California as described in article twenty-one of the constitution of the State of California; thence easterly

San Diego county.

San Diego
county.

along the international boundary line between the United States and Mexico to its intersection with the range line between ranges eight east and nine east of San Bernardino meridian; thence northerly along the range lines between said ranges eight east and nine east, which is also the westerly boundary of Imperial county, as established by section three thousand nine hundred twenty-one, to the northeast corner of township nine south, range eight east, which point is also on the southerly boundary line of Riverside county, as established by section three thousand nine hundred forty-one; thence west along the second standard parallel south, San Bernardino base, which is also the south boundary line of Riverside county, to the range line between township eight south, range three west and township eight south, range four west; thence north along said range line to the southerly boundary of the Rancho Santa Rosa; thence northwesterly and northerly along the boundary line of said Rancho Santa Rosa to the township line between township seven south and township eight south, San Bernardino base and meridian; thence west along said township line to the easterly line of the Rancho Mission Viejo or La Paz, which is also the southeasterly boundary line of Orange county, as established by section three thousand nine hundred thirty-eight; thence following said southeasterly boundary of Orange county southerly and westerly along the easterly and southerly line of said Rancho Mission Viejo or La Paz to the most westerly line of the Rancho Santa Margarita y Las Flores; thence southerly along said westerly line of said Rancho Santa Margarita y Las Flores to the shore line of the Pacific ocean, and continuing in the same direction to a point three English miles in said Pacific ocean, which point is on the westerly boundary line of the said State of California; thence southerly along said westerly boundary line of the State of California to the place of beginning.

SEC. 39. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-six and to read as follows:

San
Francisco
county.

3946. *San Francisco.* Beginning at the southwest corner, being northwest corner of San Mateo, in Pacific ocean, on the extension of northern line of township three south, of Mount Diablo base; thence northerly along the Pacific coast, to its point of intersection with westerly extension of low-water line on northern side of the entrance to San Francisco bay, being southwest corner of Marin and northwest corner of San Francisco; thence easterly, through Point Bonita and Point Cavallo, to the most southeastern point of Angel island, all on the line of Marin, as established in section three thousand nine hundred twenty-nine; thence northerly, along the easterly line of Marin, to the northwest point of Golden rock (also known as Red rock), being a common corner of Marin, Contra Costa, and San Francisco; thence due southeast four

and one-half statute miles to a point hereby established as the corner common to Contra Costa, Alameda, and San Francisco; thence southeasterly, on the western line of Alameda county to a point on the north line of township three south, range four west, Mount Diablo base and meridian; thence westerly on township lines and an extension thereof to the place of beginning. The islands known as the Farallones (Farrallons) shall be attached to and be a part of said city and county.

SEC. 40. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-seven and to read as follows:

3947. *San Joaquin*. Beginning at the junction of the San Joaquin and Mokelumne rivers, on the line of Sacramento county; thence up the latter to the mouth of Dry creek; thence up Dry creek to the southeast corner of Sacramento, as established in section three thousand nine hundred forty-two; thence southeasterly, to a point on Mokelumne river, being the point of beginning of survey of Boucher and Wallace of line between San Joaquin and Calaveras counties, May, 1864; thence southeasterly, on the line of said survey, to the extreme northern corner of Stanislaus county, on north side of and near to Calaveras river, at a point on western line of range ten east, Mount Diablo meridian, as established by survey of George E. Drew, approved May, 1860, shown on map of said survey; thence south, on said range line, to Stanislaus river; thence down said river to its confluence with the San Joaquin; thence southwest, to the summit of the Coast Range, as shown on survey and map of Wallace and Stakes, May, 1868, and forming the common corner of San Joaquin, Stanislaus, Santa Clara, and Alameda, as shown also on map of Boardman and Stakes, July, 1868; thence northwesterly and northerly along the eastern boundary of Alameda county as established in section three thousand nine hundred nine to the corner common to Alameda, Contra Costa and San Joaquin; thence due east to the center of the west channel of the San Joaquin river; thence down the said west channel to its confluence with the main river; thence down said river to the place of beginning.

SEC. 41. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-eight and to read as follows:

3948. *San Luis Obispo*. Beginning in Pacific ocean, at northwestern corner of Santa Barbara, as established in section three thousand nine hundred fifty; thence easterly, on the northern line of Santa Barbara, up the Santa Maria river, to intersection of southern line of township ten north, San Bernardino base; thence east on said line to the southeast corner of section thirty-one, in township ten north, of range twenty-four west, of San Bernardino base and meridian; thence north, on dividing section lines between thirty-one and thirty-two, thirty and twenty-nine, nineteen and twenty, eighteen and

San Luis
Obispo
county.

seventeen, seven and eight, six and five, to the northeast corner of section six, in the said township ten north, range twenty-four west of San Bernardino base and meridian; thence continuing north through township eleven north, range twenty-four west of San Bernardino base and meridian, on section lines between sections thirty-one and thirty-two, thirty and twenty-nine, nineteen and twenty, eighteen and seventeen, seven and eight, six and five, to the northeast corner of section six in said township eleven north, of range twenty-four west, of San Bernardino base and meridian; thence west on township line between townships eleven and twelve north, range twenty-four west, of San Bernardino base and meridian, and along the north boundary of section six to the northwest corner of said township eleven north, range twenty-four west, of San Bernardino base and meridian; thence north, between sections thirty-one (in fractional township twelve north, range twenty-four west), and section thirty-six (in fractional township twelve north, range twenty-five west), to the eighth standard parallel south of Mount Diablo base and meridian; thence westerly on the said eighth standard parallel south to the corner common to townships thirty-two south, range twenty-two east, and thirty-two south, range twenty-three east, of Mount Diablo meridian; thence northerly, as per the United States survey, on line between said townships and ranges last above named, to the northeast corner of the said township thirty-two south, range twenty-two east, of Mount Diablo meridian; thence westerly on the north boundary of said last above named township and range to the corner common to township thirty-one south, range twenty-one east, and thirty-two south, range twenty-one east of Mount Diablo meridian; thence north to the northeast corner of said township thirty-one south, range twenty-one east, of Mount Diablo meridian; thence west eight miles to the southwest corner of section thirty-five, in township thirty south, range twenty east; thence north on section line between sections thirty-four and thirty-five, twenty-seven and twenty-six, twenty-two and twenty-three, fifteen and fourteen, ten and eleven, and three and two, to the northeast corner of section three in said township thirty south, range twenty east, of Mount Diablo meridian; thence west four miles to the northwest corner of said last above named township and range; thence north to the northeast corner of township twenty-nine south, range nineteen east; thence west to the northwest corner of said township twenty-nine south, range nineteen east, of Mount Diablo meridian; thence west one mile to the southeast corner of section thirty-five, in township twenty-eight south, range eighteen east, of Mount Diablo meridian; thence north to the northeast corner of section twenty-six, in said township twenty-eight south, range eighteen east; thence west to the northwest corner of said section twenty-six; thence north to the northeast corner of section twenty-two; thence west to the northwest corner of said section twenty-two; thence north to

the northeast corner of section sixteen; thence west to the northwest corner of said section sixteen; thence north to the northeast corner of section eight; thence west to the northwest corner of said section eight; thence north to the township line at the northeast corner of section six; thence west to the northwest corner of said township twenty-eight south, range eighteen east; thence north on range line to northeast corner of township twenty-seven south, range seventeen east, of Mount Diablo meridian; thence west on township line to the northwest corner of said last above named township; thence north, on range line between township twenty-six south, range sixteen east, and township twenty-six south, and range seventeen east, to the northeast corner of said township twenty-six south, range sixteen east; thence north on said range line between township twenty-five south, range sixteen east, and township twenty-five south, range seventeen east, of Mount Diablo meridian, to the northeast corner of said township twenty-five south, range eighteen east, on the sixth standard parallel south of Mount Diablo base; thence west on said standard parallel and extension thereof to the Pacific ocean; thence southerly along the shore to the place of beginning.

San Luis
Obispo
county.

SEC. 42. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-nine and to read as follows:

3949. *San Mateo.* Beginning at the southwest corner, being the west corner of Santa Cruz county as established in section three thousand nine hundred fifty-two; thence on the northwestern line of Santa Cruz county as established in said section, to the southwestern line of Santa Clara county, being the summit line of the Santa Cruz mountains; thence northwesterly by said summit line to the source of San Francisquito creek; thence down the south branch thereof, and down said creek to its mouth; thence to a point in the middle of San Francisco bay, opposite said mouth, forming a common corner of San Mateo, Santa Clara, and Alameda counties; thence in a direct line to a point in the center of ship channel in the bay of San Francisco west of and opposite to Dumbarton point; thence in a direct line to the southeast corner of San Francisco city and county; thence westerly on the boundary line between the counties of San Mateo and San Francisco (said line being the north boundary of San Mateo county, between San Mateo county and San Francisco county and the south boundary of San Francisco county between the counties of San Mateo and San Francisco), as the same was surveyed, established and marked by Charles S. Tilton, city and county surveyor of the city and county of San Francisco, William B. Gilbert, county surveyor of the county of San Mateo, and D. Bromfield, assistant civil engineer, of the county of San Mateo, between August 28 and December 28, 1898, and being the north boundary line of the county of San Mateo, and the south boundary line of the county of San Francisco, and marked by granite

San Mateo
county.

San Mateo
county.

monuments eight inch by eight inch square set three feet in the ground in a bed of concrete three feet square and three feet in the ground, on section and quarter-section corners, on township line between townships two and three south, ranges five and six west, Mount Diablo meridian, and the line being marked on each monument by a copper nail in a plug of lead which has been countersunk into the top of the monument, and on the dressed faces the letters "S. F." being cut into the stone on the San Francisco side of the line, and the letters "S. M." being cut into the stone in the San Mateo side of the line, and the bearing of the said line being determined by stellar observation as north eighty-nine degrees forty-nine and one-half minutes east, to the southwest corner of the said boundary line of San Francisco city and county in the Pacific ocean, and thence southerly along the ocean shore to the point of beginning. The eastern boundary of San Mateo county shall be the western boundary of Alameda county, in so far as the same borders on San Mateo county.

SEC. 43. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty and to read as follows:

Santa
Barbara
county.

3950. *Santa Barbara.* Beginning at the western corner of Ventura as established in section three thousand nine hundred sixty-four; thence northerly, on westerly line of Ventura, as described in said section, to point of intersection with the southern line of township ten north, San Bernardino base; said point being on the southern boundary of Kern and being the common corner of Santa Barbara and Ventura counties; thence west on said township line, to the Santa Maria river; thence down said river to a point in the Pacific ocean opposite the mouth of said river, forming northwest corner; thence southeasterly, by the ocean shore, to the place of beginning; including the islands of Santa Barbara, San Miguel, Santa Rosa, and Santa Cruz.

SEC. 44. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-one and to read as follows:

Santa Clara
county.

3951. *Santa Clara.* Beginning at a point distant north thirty degrees west, one thousand two hundred fifty-four feet from the southwest corner of section twenty-two, township five south, range two west, Mount Diablo base and meridian; said point being hereby established as the corner common to San Mateo, Santa Clara and Alameda counties; thence southeasterly in a direct line to the southwest corner of section twenty-six, township five south, range two west, Mount Diablo base and meridian; thence easterly in a direct line to the point where the center of the Coyote river is intersected by the west line of township five south, range one west, Mount Diablo base and meridian; thence easterly along the center of the Coyote river to a point from which a sandstone monument set on the southwesterly side of the county road leading from San Jose to Oakland, or state highway, as described in the

field notes of the survey of the boundary line between the counties of Alameda and Santa Clara, filed June 2, 1873, in the office of the clerk of Santa Clara county, California, bears north fifty-seven degrees, thirty-five minutes east, four thousand three hundred forty feet distant, more or less; thence north fifty-seven degrees, thirty-five minutes east, four thousand three hundred forty feet, more or less, to said sandstone monument; thence northeasterly and easterly along the boundary line between Alameda and Santa Clara counties, as described in the field notes of said survey, to the corner common to Alameda, San Joaquin, Stanislaus and Santa Clara counties; thence southeasterly following the summit of the Coast Range to the corner common to San Benito, Merced and Santa Clara counties, situated in section twenty-one, township eleven south, range seven east, Mount Diablo base and meridian, as established by Charles T. Healy, deputy surveyor general of California in September, 1858; thence westerly on the present surveyed line between Santa Clara and San Benito counties to a point on the San Felipe creek, near San Felipe lake; thence around the eastern and northern side of said lake to the Pajaro river; thence down said river to the southwest corner of Santa Clara county and the southeast corner of Santa Cruz county, as established in section three thousand nine hundred fifty-two; thence northwesterly, following the summit of the Santa Cruz mountains, being northeasterly boundary of Santa Cruz county, to the head of the south fork of the San Francisquito creek; thence down said creek to its mouth; thence in a direct line to the place of beginning.

Santa Clara
county.

SEC. 45. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-two and to read as follows:

3952. *Santa Cruz.* Beginning at the south corner of San Mateo county, at a point in the Pacific ocean south forty-five degrees west, three nautical miles from the intersection of the east line of Rancho Punta del Año Nuevo with said ocean, forming western corner; thence north, forty-five degrees east, to said point of intersection; thence northerly, following the eastern line of said rancho, to its intersection with the south line of township eight south, range four west, Mount Diablo base and meridian; thence east to the southeast corner of said township; thence north to the northeast corner of section twenty-five of said township; thence east to the northeast corner of section twenty-six, township eight south, range three west; thence north to the summit of Santa Cruz mountains, being western line of Santa Clara county; thence southeasterly along the summit of said mountains, on the western line of Santa Clara, to the Pajaro river, forming southeast corner, on northern line of San Benito; thence westerly along said river, on northern line of San Benito and Monterey, to the bay of Monterey, and three miles westerly into the ocean, forming southwest corner; thence northwesterly along a course three nautical miles distant from the shore to the point of beginning.

Santa Cruz
county.

SEC. 46. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-three and to read as follows:

Shasta
county.

3953. *Shasta*. Beginning at the northern line of Tehama, at the head of Bloody island, in Sacramento river; thence to and down the eastern channel to the mouth of Battle creek; thence easterly, up Battle creek, by the main channel, to the mouth of the middle fork, known as Digger creek; thence up Digger creek to its head; thence east to a point south of Black Butte mountain, forming southeast corner; thence north, on western line of Lassen, to a rock mound forming northeast corner, on southern line of Siskiyou; thence west, on said southern line, to Castle rock, forming northwest corner; thence southerly along Trinity mountain to the head of Bee Gum creek, forming southwest corner; thence easterly down Bee Gum, Middle Fork, and Cottonwood creeks to the western channel of Sacramento river; thence, by direct line, to the point of beginning.

SEC. 47. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-four and to read as follows:

Sierra
county.

3954. *Sierra*. Beginning at the south corner of Plumas, in the center of Slate creek, as established in section three thousand nine hundred forty; 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 base and meridian; 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 thirty-seven; 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 Cañon creek, and then up said creek four miles; thence in a straight line to the point of beginning.

SEC. 48. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-five and to read as follows:

Siskiyou
county.

3955. *Siskiyou*. Commencing on the northern line of the State of California at the northeast corner of Del Norte, as described in section three thousand nine hundred sixteen, being on the summit of a spur of the Siskiyou range of mountains; thence southerly along the eastern line of Del Norte county to the northern line of Humboldt county, as defined in section three thousand nine hundred twenty; thence easterly and

southerly along the northern and eastern line of Humboldt county to the northwest corner of Trinity county; thence along the northern boundary of Trinity county, as defined in section three thousand nine hundred sixty-one, to the northwest corner of Shasta county at Castle Rock, as defined in section three thousand nine hundred fifty-three; thence due east to the range line between ranges four and five east of Mount Diablo base and meridian; thence north along said range line to the northern boundary of the State of California; thence due west along said state boundary line to the place of beginning.

SEC. 49. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-six and to read as follows:

3956. *Solano*. Beginning at southwest corner, in San Pablo bay, at common corner of Contra Costa, Sonoma, Marin, and Solano, as established in section three thousand nine hundred fifteen; thence north, twenty-six and one-half degrees west, about six and one-quarter miles on the western line of Sonoma, as established in section three thousand nine hundred fifty-seven, to the southwest corner of Napa at the mouth of the Huichica creek; thence east, on southern line of Napa, to the southeast corner thereof, as established in section three thousand nine hundred thirty-six; thence north, on line of Napa, as established in said section, to the first standard north; thence east along said standard, on said Napa line, to the summit of Vaca mountains; thence northerly, on said summit and Napa line, to Devil's Gate, on Putah creek, which point forms the northwest corner of Solano and southwest corner of Yolo; thence easterly, on line of Yolo, down said creek and old bed thereof, to its intersection with western line of range three east, Mount Diablo meridian, forming the northeast corner of Solano, with exterior angle in Yolo; thence south, along line of Yolo, on said range line, two and seven-tenths miles, to the north line of township seven north, Mount Diablo base; thence east, nine and seventy-two one-hundredths chains, to northeast corner of said township; thence south, to the first standard north, Mount Diablo base; thence east, on said standard line, to the center of Sutter slough; thence down said slough to Steamboat slough, formerly called Merritt slough, down said slough to the Sacramento river, down the Sacramento river about thirteen miles to Suisun bay; thence down the bay, along the center of the main ship-channel, in a westerly course about eighteen miles, to the straits of Carquinez; thence down the middle of said straits, and down San Pablo bay, to the place of beginning; all these courses and lines being as shown by map and notes of William Wayne Fitch and E. H. Marshall, surveyor and deputy surveyor of Solano county.

SEC. 50. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-seven and to read as follows:

Sonoma
county.

3957. *Sonoma*. Commencing at a point in the Pacific ocean, three miles due west of a point in the center of the channel at the mouth of the Gualala river. thence due east three miles to said point in the center of the channel at the mouth of said Gualala river; thence up the center of the channel of said Gualala river to a point where the center of said channel intersects the section line running east and west between sections twenty-three and twenty-six, township eleven north, range fifteen west, Mount Diablo meridian; thence east on said section line and its continuation between sections twenty-four and twenty-five, said township and range, to the range line between ranges fourteen and fifteen west, Mount Diablo meridian; thence continuing east on the section line between sections nineteen and thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, and twenty-four and twenty-five, township eleven north, range fourteen west, Mount Diablo meridian, to the range line between ranges thirteen and fourteen west, Mount Diablo meridian; thence north on said range line between said ranges thirteen and fourteen two miles more or less, to the section corner common to sections twelve and thirteen, township eleven north, range fourteen west, Mount Diablo meridian, and sections seven and eighteen, township eleven north, range thirteen west, Mount Diablo meridian; thence east on the section line between sections seven and eighteen, eight and seventeen, nine and sixteen, ten and fifteen, eleven and fourteen, and twelve and thirteen, township eleven north, range thirteen west, Mount Diablo meridian, to the intersection of said section line with the range line between ranges twelve and thirteen west, Mount Diablo meridian; thence continuing east on the section line between sections seven and eighteen, eight and seventeen, nine and sixteen, ten and fifteen, eleven and fourteen, and twelve and thirteen, township eleven north, range twelve west, Mount Diablo meridian, to the intersection of said section line with the range line between ranges eleven and twelve west, Mount Diablo meridian; thence north on said range line between ranges eleven and twelve, two miles, more or less, to the southwest corner of township twelve north, range eleven west, Mount Diablo meridian; thence east on the south boundary line of said township twelve north, range eleven west, three miles, more or less, to the southeast corner of section thirty-three, township twelve north, range eleven west; thence north on the section line between sections thirty-three and thirty-four, one mile, more or less, to the northwest corner of said last named section thirty-four; and thence east on the section line between sections twenty-seven and thirty-four, twenty-six and thirty-five, and twenty-five and thirty-six, township twelve north,

range eleven west, Mount Diablo meridian, and continuing east on the section line between sections thirty and thirty-one, twenty-nine and thirty-two, twenty-eight and thirty-three, twenty-seven and thirty-four, twenty-six and thirty-five, and twenty-five and thirty-six: township twelve north, range ten west. Mount Diablo meridian, and continuing east on the section line between sections thirty and thirty-one, twenty-nine and thirty-two, twenty-eight and thirty-three, twenty-seven and thirty-four, and twenty-six and thirty-five to the corner common to sections twenty-five, twenty-six, thirty-five, and thirty-six; township twelve north, range nine west, Mount Diablo meridian, said point lying upon the summit of the Mayacamas ridge and constituting the common corner of Mendocino, Lake and Sonoma counties; thence southerly along the Mayacamas mountains, and on the western lines of Lake and Napa counties, to the westerly branch of headwaters of Huichica creek; thence westerly on the line of Napa county to the top of the main ridge that divides the Huichica valley from the Sonoma valley; thence southerly along the said dividing ridge to the tule bordering on San Pablo bay; thence southerly to the center of Huichica creek; thence down said creek to its mouth, which is the southwest corner of Napa; thence on the line of Solano south, twenty-six and one-half degrees east, about six and one-quarter miles distant from the mouth of Huichica creek, to the point of intersection with the westerly line of Contra Costa county, forming common corner of Marin, Solano, Contra Costa, and Sonoma, as described in section three thousand nine hundred fifteen; thence following the northern boundary of Marin westerly to the mouth of Petaluma creek; thence up said creek to the mouth of San Antonio creek; thence up said San Antonio creek to its head; thence in a direct line to the head of the Estero Americano, on the line surveyed and established by William Mock, under the direction of the surveyor general, in the year 1856; thence down said Estero Americano to its mouth; thence due west three miles to a point in the Pacific ocean; thence northwesterly by ocean shore to the point of beginning.

SEC. 51. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-eight and to read as follows:

3958. *Stanislaus.* Beginning at common corner of Stanislaus, Santa Clara, Alameda, and San Joaquin, on the summit of Mount Boardman, of the Mount Diablo range, as shown on survey and map of Wallace and Stakes, May, 1868; thence southeasterly, on the summit line of said range, being eastern line of Santa Clara, to the northwest corner of Merced, forming the southwest corner of Stanislaus, as established by survey and map of A. J. Stakes, July, 1868; thence northeasterly, on line as established by said last-named survey, to the junction of the Merced and San Joaquin rivers; thence down the San Joaquin seven miles; thence in a direct line a little north of east to a

monument established by survey of A. J. Stakes, being on the summit of the ridge between Merced and Stanislaus, and marking common corner of Tuolumne, Merced, Mariposa, and Stanislaus; thence northwesterly, in a direct line, and crossing the Stanislaus river, to monument established by survey and map of George E. Drw, May, 1860, on the north bank of said last-named river; thence northwesterly, on line of said survey, to its intersection with western line of range ten east, Mount Diablo meridian, which point is marked by a monument establishing the north corner of Stanislaus county; then south, on said range line, to Stanislaus river; thence down the latter to its mouth in San Joaquin river; thence southwesterly on line as surveyed and mapped by Wallace and Stakes, May, 1868, to the place of beginning.

SEC. 52. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-nine and to read as follows:

Sutter
county.

3959. *Sutter*. Beginning at the northwest corner of Sacramento county, as established in section three thousand nine hundred forty-two; thence up the Sacramento river to the mouth of Butte slough; thence down said slough to the dividing line between sections thirty-five and thirty-six, township sixteen north, range one west, Mount Diablo base and meridian; thence north, on the line between sections thirty-five and thirty-six, and sections twenty-five and twenty-six in said township and range to Butte creek; thence following said Butte creek to its intersection with the south line of section nineteen, township seventeen north, range one east, Mount Diablo base and meridian; then east on section lines to Feather river; thence down Feather river to mouth of Bear river; thence up the original or old channel of Bear river as the same was established by official government meander line surveys made by E. Dyer and others prior to 1870, of record in the office of the United States surveyor general for the State of California, to the northwest corner of Placer county as established in section three thousand nine hundred thirty-nine; thence along the western boundary of Placer county to the southwest corner thereof; thence westerly along the northern boundary of Sacramento county to the place of beginning.

SEC. 53. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty and to read as follows:

Tehama
county.

3960. *Tehama*. Beginning at the point of intersection of Sacramento river with south line of township twenty-three north, Mount Diablo base; thence west, on said line, being northern line of Glenn to the summit of the Coast range, being southwest corner; thence northerly, on said summit line, to the southwest corner of Shasta, as established in section three thousand nine hundred fifty-three; thence easterly, on the southern line of Shasta, as established in said section, to the northwest corner of Plumas, being the point of intersection of southern line of Shasta with the summit line of the dividing

ridge between the waters of Mill and Deer creeks, tributaries of the Sacramento river, and Rice's and Warner's creeks, tributaries of the north fork of Feather river, forming north-east corner of Tehama; thence southerly, along said summit line, to the north point of Butte county, it being the point where the northern road from Big Meadows to Butte Meadows, by Dye's house, crosses the said summit line; thence south-westerly, in a direct line, to the head of Rock creek; thence southwesterly, down Rock creek, to the south line of township twenty-four north, Mount Diablo base; thence west, on said line, to the Sacramento river; thence along said river to the place of beginning.

SEC. 54. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-one and to read as follows:

3961. *Trinity*. Beginning at the northeast corner of Mendocino county and southeast corner of Trinity county as established and marked by Wm. H. Fauntleroy in 1872, on the summit of the Coast range at or near the quarter section corner on east line of section thirty-four in township twenty-five north, range ten west, Mount Diablo meridian; thence northerly along the summit of said range and the line of Tehama county to the northwest corner of Tehama county; thence northeasterly and northerly along the summit of the mountain dividing the waters flowing into Sacramento river and the waters flowing into Trinity river on the west line of Shasta and Siskiyou counties to a point in the southern line of Siskiyou county located in section twenty-six, township forty-one north, range six west, Mount Diablo meridian; thence southwesterly and westerly along the summit of the mountain dividing the waters flowing into Trinity river from the waters flowing into Scott and Salmon rivers to intersection of east line of Humboldt on what is known as Salmon summit, being northwest corner of Trinity near the corner to sections four, five, eight and nine, township nine north, range seven east, Humboldt meridian; thence southwesterly and southerly by the eastern line of Humboldt to the southwest corner of Trinity county as surveyed and marked by Wm. H. Fauntleroy in August, 1872, the same being in the southeast quarter of section thirty-one, township five south, range six east, Humboldt meridian; thence east along the line between Trinity and Mendocino as surveyed and marked by Wm. H. Fauntleroy in 1872 to the point of beginning.

SEC. 55. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-two and to read as follows:

3962. *Tulare*. Beginning at the southwest corner, being the common corner of Kings, Kern and Tulare, and being located on the sixth standard south at the southwest corner of township twenty-four south, range twenty-three east, Mount Diablo base and meridian; thence east, on said standard, to the point of intersection with summit line of the Sierra Nevada

mountains, forming the southeast corner of Tulare and southwest corner of Inyo; thence northwesterly, on said summit, being on the western line of Inyo, to the east corner of Fresno, as established in section three thousand nine hundred eighteen; thence on the southern line of Fresno to the eastern line of Kings; thence southerly, on the line of Kings, as established in section three thousand nine hundred twenty-four, to the place of beginning.

SEC. 56. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-three and to read as follows:

Tuolumne
county.

3963. *Tuolumne*. Beginning at the most western corner, being the southern corner of Calaveras, as established in section three thousand nine hundred thirteen, in Stanislaus river; thence southeasterly to common corner of Merced, Mariposa, Stanislaus, and Tuolumne, as established in section three thousand nine hundred fifty-eight; thence easterly on the northern line of Mariposa and Madera, following summit line of the dividing ridge between Tuolumne and Merced rivers, to Mount Lyell, as marked on Warren Holt's map, 1869, and the summit of the Sierra Nevada mountains, being on the western line of Mono and common corner of Tuolumne, Madera and Mono; thence northerly by the line of Mono, being the summit line of the Sierra Nevada mountains, to the southern corner of Alpine, as established in section three thousand nine hundred ten; thence northwesterly by the line of Alpine to the southeastern corner of Calaveras; thence westerly on the line of Calaveras and down the Stanislaus river to the place of beginning.

SEC. 57. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-four and to read as follows:

Ventura
county.

3964. *Ventura*. Commencing on the coast of the Pacific ocean, at the mouth of the Rincon creek; thence following up the center of said creek to its source; thence due north to the corner common to Kern, Santa Barbara and Ventura located on the township line between townships nine and ten north, range twenty-four west, San Bernardino base and meridian, and running thence east with said line between townships nine and ten north, to the northeast corner of township nine north, range twenty-four west, San Bernardino meridian; thence south with the range line to the quarter section corner in the west line of section seven, township nine north, range twenty-three west, San Bernardino meridian; thence east with the center line of sections seven, eight, nine, ten, eleven and twelve of said township nine, range twenty-three west, to the line between ranges twenty-two and twenty-three west, of said township; thence south with range line to the southwest corner of section eighteen, township nine, range twenty-two west; thence east to the corner of sections sixteen, seventeen, twenty and twenty-one of same township; thence south to the southwest corner of section thirty-three, of same township; thence

cast on line between townships eight and nine north, to the southeast corner of section thirty-six, township nine north, range twenty west, in the west line of range nineteen west; thence north to the northwest corner of section six, of township eight north, range nineteen west; thence east along the north line of said section six and section five of said township to the northeast corner of said section five of said township eight north, range nineteen west, San Bernardino meridian, forming the corner common to Los Angeles, Kern and Ventura; thence southerly along the western line of Los Angeles county to the Pacific ocean and three miles therein; thence in a northwesterly direction to a point due south of and three miles distant from the center of the mouth of Rincon creek; thence north to the point of beginning, and including the islands of Anacapa and San Nicholas.

SEC. 58. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-five and to read as follows:

3965. *Yolo*. Beginning on southeast corner, at the most easterly northeast corner of Solano, in Sutter slough, at its intersection with the first standard north; thence west on said standard line to west line of range three east, Mount Diablo meridian; thence north on said range line to the northeast corner of township seven north, two east; thence west nine and seventy-two one-hundredths chains to southeast corner of township eight, two east; thence north on easterly line of said township to the old bed of Putah creek; thence westerly up the old bed and main Putah creek to a point on eastern line of Napa, in the cañon, called Devil's Gate, where the highest ridge of mountains divides the waters of the Sacramento from Berryessa valley, forming the most westerly of the southwest corners of Yolo and northwest corner of Solano; thence northerly along the highest ridge of said mountains to Cache creek; thence east to the summit of the spur of the Coast Range which divides the waters flowing east into Bear creek and Stony creek, and those flowing west into the north fork of Cache creek; thence along the dividing ridge, to the southwest corner of Colusa, as established in section three thousand nine hundred fourteen; thence easterly on southern line of Colusa, as established in said section, to Sacramento river, forming the northeast corner at the point of intersection of the southern line of township thirteen north, Mount Diablo base; thence down said river to Sutter slough; thence down said slough to the place of beginning.

SEC. 59. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-six and to read as follows:

3966. *Yuba*. Beginning at southwest corner, at junction of Feather and Bear rivers; thence up Bear river, on the line of Sutter and Placer, to the southwest corner of Nevada, as established in section three thousand nine hundred thirty-seven; thence north, on Nevada line, to the junction of Deer creek and

Yuba
county.

main Yuba; thence up the main to the middle Yuba and up the middle Yuba ten miles, to the southwest corner of Sierra, as established in section three thousand nine hundred fifty-four; thence in direct line northerly, and on line of Sierra, to Cuteye Foster's bar, on north Yuba river; thence down the river to the mouth of Big Cañon creek; thence up said creek four miles; thence in direct line to south corner of Plumas and northwest corner of Sierra, in Slate creek, as established in sections three thousand nine hundred forty and three thousand nine hundred fifty-four; thence northwesterly in a direct line, to common corner of Plumas, Butte, and Yuba, in front of Buckeye house, as established in section three thousand nine hundred forty; thence on southwestern line of Butte, as established in Westcott and Henning's survey and map, down the Honeycut creek, to its junction with Feather river; thence down Feather river, to the place of beginning.

CHAPTER 471.

An act to amend sections three, six, seven, nine, fourteen, seventeen, twenty-four, twenty-six, twenty-nine, thirty-three, thirty-seven, fifty-three and fifty-four of the workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, and to add thereto a new section, to be numbered forty-six and one-half, relating to the issuance of injunctions by the superior court to enforce safety measures in places of employment.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Stats. 1917,
p. 833.

SECTION 1. Section three of an act entitled "An act to promote the comfort, health, safety and general welfare of the people of this state as affected by injury causing the disability or death of employees in the course of their employment; providing for a complete plan of workmen's compensation by creating a liability on the part of immediate employers, principal employers, contracting employers and their insurance carriers to compensate employees and their dependents for such disability or death, irrespective of the fault of any party; providing the means and methods of enforcing such liability and providing for certain liens upon compensation; and regulating compensation insurance coverage against such liability; securing the payment of compensation and confirming the establishment and transactions of the state compensation insurance fund; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial injuries; and providing penalties for offenses, as defined herein, by employers, their officers and agents, and by employees and

other persons and corporations; and defining the powers and duties of the industrial accident commission under this act; and providing for a review of its orders, decisions and awards; and repealing sections two, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-five a, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, and eighty-seven of chapter one hundred seventy-six, statutes of 1913, and all other acts and parts of acts inconsistent herewith, except sections one, three, four, five, six, seven, eight, nine, ten, eleven, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, eighty-eight and ninety of said chapter one hundred seventy-six, statutes of 1913," and approved May 23, 1917, and known as the workmen's compensation, insurance and safety act of 1917, is hereby amended to read as follows:

Stats 1917,
p. 833.

Sec. 3. The following terms as used in this act shall, unless a different meaning is plainly required by the context, be construed as follows: Definitions.

(1) The term "commission" means the industrial accident commission of the State of California as created under the provisions of chapter one hundred seventy-six of the laws of 1913. "Commis-
sion."

(2) The term "commissioner" means one of the members of the commission. "Commis-
sioner."

(3) The term "compensation" means compensation under this act and includes every benefit or payment conferred by sections six to thirty-one, inclusive, of this act upon an injured employee, or in the event of his death, upon his dependents, without regard to negligence. "Compensation."

(4) The term "injury," as used in this act, shall include any injury or disease arising out of the employment including injuries to artificial members. In case of aggravation of any disease existing prior to such injury, compensation shall be allowed only for such proportion of the disability due to the aggravation of such prior disease as may reasonably be attributed to the injury. "Injury."

(5) The term "damages" means the recovery allowed in an action at law as contrasted with compensation under this act. "Damages."

(6) The term "person" includes an individual, firm, voluntary association, or a public, quasi-public or private corporation. "Person."

"Insurance carrier."

(7) The term "insurance carrier" includes the state compensation insurance fund and any private company, corporation, mutual association, reciprocal or interinsurance exchange authorized under the laws of this state to insure employers against liability for compensation under this act and any employer to whom a certificate of consent to self-insure has been issued.

Singular and plural

(8) Whenever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Stats. 1917, p. 834.

SEC. 2. Section six of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Employer's liability.

Sec. 6. (a) Liability for the compensation provided by this act, in lieu of any other liability whatsoever to any person, shall, without regard to negligence, exist against an employer for any injury sustained by his employees arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

(1) Where, at the time of the injury, both the employer and employee are subject to the compensation provisions of this act.

(2) Where, at the time of the injury, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment.

(3) Where the injury is proximately caused by the employment, either with or without negligence, and is not caused by the intoxication of the injured employee, or is not intentionally self-inflicted.

Misconduct of injured employee.

(4) Where the injury is caused by the serious and wilful misconduct of the injured employee, the compensation otherwise recoverable by him shall be reduced one-half; *provided, however*, that such misconduct of the employee shall not be a defense to the claim of the dependents of said employee, if the injury results in death, or to the claim of the employee, if the injury results in a permanent partial disability equaling or in excess of seventy per cent of total; *and provided, further*, that such misconduct of said employee shall not be a defense where his injury is caused by the failure of the employer to comply with any provision of law, or any safety order of the commission, with reference to the safety of places of employment; *and provided, further*, that in case of an injury suffered by an employee under sixteen years of age, it shall be conclusively presumed that such injury was not caused by serious and wilful misconduct.

Recovery of compensation.

(b) Where such conditions of compensation exist, the right to recover such compensation, pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death; *provided*, that where the employee is injured by reason of the serious and wilful misconduct of

the employer, or his managing representative, or if the employer be a partnership, on the part of one of the partners, or if a corporation, on the part of an executive or managing officer or general superintendent thereof, the amount of compensation otherwise recoverable for injury or death, as herein-after provided, shall be increased one-half, any of the provisions of this act as to maximum payments or otherwise to the contrary notwithstanding; *provided, however,* that said increase of award shall in no event exceed two thousand five hundred dollars.

(c) In all other cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if this act had not been passed.

SEC. 3. Section seven of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows: Stats. 1917, p. 835.

Sec. 7. The term "employer" as used in sections six to thirty-one, inclusive, of this act shall be construed to mean: The state, and each county, city and county, city, school district, irrigation district, all other districts established by law, and all public corporations and quasi-public corporations and public agencies therein, and every person, firm, voluntary association, and private corporation, including any public service corporation, who has any person in service under any appointment or contract of hire, or apprenticeship, express or implied, oral or written, and the legal representative of any deceased employer. "Employer"

SEC. 4. Section nine of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows: Stats. 1917, p. 836.

Sec. 9. Where liability for compensation under this act exists, such compensation shall be furnished or paid by the employer and be as provided in the following schedule:

(a) Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may reasonably be required to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same; *provided,* that if the employee so requests, the employer shall tender him one change of physicians and shall nominate at least three additional practicing physicians competent to treat the particular case, or as many as may be available if three can not reasonably be named, from whom the employee may choose; the employee shall also be entitled, in any serious case, upon request, to the services of a consulting physician to be provided by the employer; all of said treatment to be at the expense of the employer. If the employee so requests, the employer must procure certification by the commission or a commissioner (Change of physicians.)

Employer
maintaining
hospital
staff.

of the competency for the particular case of the consulting or additional physicians; *provided, further*, that the foregoing provisions regarding a change of physicians shall not apply to those cases where the employer maintains, for his own employees, a hospital and hospital staff, the adequacy and competency of which have been approved by the commission. Nothing contained in this section shall be construed to limit the right of the employee to provide, in any case, at his own expense, a consulting physician or any attending physicians whom he may desire. Controversies between employer and employee, arising under this section, shall be determined by the commission, upon the request of either party.

Time of
disability
payments.

(b) If the injury causes temporary disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury. If the injury causes permanent disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injury. Such indemnity shall thereafter be payable on the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

Disability
less than
7 days.

(1) If the period of disability does not last longer than seven days from the day the employee leaves work as the result of the injury, no disability payment whatever shall be recoverable.

Disability
more than
7 days.

(2) If the period of disability lasts longer than seven days from the day the employee leaves work as the result of the injury, no disability payment shall be recoverable for the first seven days of disability suffered.

Amount of
disability
payments.

2. The disability payment shall be as follows:

(1) If the injury causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability, consideration being given to the ability of the injured employee to compete in an open labor market;

(2) If the injury causes temporary partial disability, sixty-five per cent of the weekly loss in wages during the period of such disability;

(3) If the temporary disability caused by the injury is at times total and at times partial the weekly disability payment during the period of each such total or partial disability shall be in accordance with paragraphs one and two of this subdivision respectively;

Aggregate
disability
payments.

(4) Paragraphs one, two, and three of this subdivision shall be limited as follows: Aggregate disability payments for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the injury.

(5) If the injury causes permanent disability, the percentage of disability to total disability shall be determined and the disability payment computed and allowed as follows: For a one per cent disability, sixty-five per cent of the average weekly earnings for a period of four weeks; for a ten per cent disability, sixty-five per cent of the average weekly earnings for a period of forty weeks; for a twenty per cent disability, sixty-five per cent of the average weekly earnings for a period of eighty weeks; for a thirty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred twenty weeks; for a forty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred sixty weeks; for a fifty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred weeks; for a sixty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks; for a seventy per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter ten per cent of such weekly earnings during the remainder of life; for an eighty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter twenty per cent of such weekly earnings during the remainder of life; for a ninety per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter thirty per cent of such weekly earnings during the remainder of life; for a hundred per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter forty per cent of such weekly earnings during the remainder of life.

Computation
of payments
when
disability
permanent.

(6) The payment for permanent disabilities intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows: If under seventy per cent, sixty-five per cent of the average weekly earnings for four weeks for each one per cent of disability; if seventy per cent or over, sixty-five per cent of the average weekly earnings for two hundred forty weeks and thereafter one per cent of such weekly earnings for each one per cent of disability in excess of sixty per cent to be paid during the remainder of life.

(7) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his age at the time of such injury, consideration being given to the diminished ability of such injured employee to compete in an open labor market.

(8) Where an injury causes both temporary and permanent disability, the injured employee shall not be entitled to both a temporary and permanent disability payment, but only to the greater of the two.

Only one
payment.

Permanent disabilities presumed to be total.

(9) The following permanent disabilities shall be conclusively presumed to be total in character: Loss of both eyes or the sight thereof; loss of both hands or the use thereof; an injury resulting in a practically total paralysis; an injury to the brain resulting in incurable imbecility or insanity. In all other cases, permanent total disability shall be determined in accordance with the fact.

(10) The percentage of permanent disability caused by any injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any injury previously suffered or any permanent disability caused thereby.

Schedule for determination of permanent disabilities.

(11) The commission may prepare, adopt, and from time to time amend, a schedule for the determination of the percentages of permanent disabilities, such table to be based upon the proper combinations of the factors indicated in subdivision seven above. Such schedule shall be available for public inspection and without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by said schedule.

3. The death of an injured employee shall not affect the liability of the employer under subsections (a) and (b) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, or, if there are no dependents, to the personal representative of the deceased employee or heirs or other persons entitled thereto, without administration, but such death shall be deemed to be the termination of the disability.

Death benefits.

(c) If the injury causes death, either with or without disability, the burial expense of the deceased employee as hereinafter limited and a death benefit which shall be payable in installments equal to sixty-five per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

If deceased employee leaves dependents.

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, such dependents shall be allowed the reasonable expense of his burial, not exceeding one hundred dollars, and a death benefit, which shall be a sum sufficient, when added to the disability indemnity which at the time of death has accrued and become payable, under the provisions of subsection (b) hereof, and the said burial expense, to make the total disability indemnity, cost of burial and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred thirty-three dollars and thirty-three cents nor more than one thousand six hundred sixty-six dollars and sixty-six cents.

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the said dependents shall be allowed the reasonable expense of his burial, not to exceed one hundred dollars, and, in addition thereto, a death benefit which shall amount to three times the annual amount devoted by the deceased to the support of the person or persons so partially dependent; *provided*, that the death benefit shall not be greater than a sum sufficient, when added to the disability indemnity which, at the time of the death, has accrued and become payable under the provisions of subsection (b) hereof, together with the cost of the burial of such deceased employee, to make the total disability indemnity, cost of burial and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred thirty-three dollars and thirty-three cents nor more than one thousand six hundred sixty-six dollars and sixty-six cents.

If employee leaves persons partially dependent.

(3) If the deceased employee leaves no person dependent upon him for support, the death benefit shall consist of the reasonable expense of his burial, not exceeding one hundred dollars and such other benefit as may be provided by law.

If no dependents.

(d) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

Sec. 5. Section fourteen of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Stats. 1917, p. 844.

Sec. 14. (a) The following shall be conclusively presumed to be wholly dependent for support upon a deceased employee; *provided*, that these presumptions shall not apply in favor of aliens who are nonresidents of the United States at the time of the injury.

Who are deemed wholly dependent.

(1) A wife upon a husband with whom she was living at the time of his injury, or for whose support such husband was legally liable at the time of his injury.

(2) A child or children under the age of eighteen years, or over said age, but physically or mentally incapacitated from earning, upon the parent with whom he or they are living at the time of the injury of such parent or for whose maintenance such parent was legally liable at the time of injury, there being no surviving dependent parent.

(b) In all other cases, questions of entire or partial dependency and questions as to who constitute dependents and the extent of their dependency shall be determined in accordance with the fact, as the fact may be at the time of the injury of the employee.

(c) No person shall be considered a dependent of any deceased employee unless in good faith a member of the family or household of such employee, or unless such person bears to such employee the relation of husband or wife, child, posthumous child, adopted child or stepchild, father or mother,

father-in-law or mother-in-law, grandfather or grandmother, brother or sister, uncle or aunt, brother-in-law or sister-in-law, nephew or niece.

Distribution
of death
benefit.

(d) 1. If there is one or more persons wholly dependent for support upon a deceased employee, such person or persons shall receive the entire death benefit, and any person or persons partially dependent shall receive no part thereof.

2. If there is more than one such person wholly dependent for support upon a deceased employee, the death benefit shall be divided equally among them.

3. If there is more than one person partially dependent for support upon a deceased employee, and no person wholly dependent for support, the amount allowed as a death benefit shall be divided among the persons so partially dependent in proportion to the relative extent of their dependency.

Commission
may reassign
death benefit.

(e) The commission may, anything in this act contained to the contrary notwithstanding, set apart or reassign the death benefit to any one or more of the dependents in accordance with their respective needs and as may be just and equitable, and may order payment to a dependent subsequent in right, or not otherwise entitled, upon good cause being shown therefor. Such death benefit shall be paid to such one or more of the dependents of the deceased or to a trustee appointed by the commission or a commissioner for the benefit of the person or persons entitled, as may be determined by the commission. The person to whom the death benefit is paid for the use of the several beneficiaries shall apply the same in compliance with the findings and directions of the commission. In the event of the death of a dependent beneficiary of any deceased employee, if there be no surviving dependent, the death of such dependent shall terminate the death benefit, which shall not survive to the estate of such deceased dependent, except that payments of such death benefit accrued and payable at the time of the death of such sole remaining dependent shall be paid upon the order of the commission to the heirs of such dependent or, if none, to the heirs of the deceased employee, without administration.

Stats 1917,
p. 846.

SEC. 6. Section seventeen of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Hearing on
disputes.

Sec. 17. (a) Upon the filing with the commission by any party in interest, his attorney, or other representative authorized in writing of an application in writing stating the general nature of any dispute or controversy concerning compensation, or concerning any right or liability arising out of, or incidental thereto, jurisdiction over which is vested by this act in the commission, a time and place shall be fixed for the hearing thereof, which hearing, unless otherwise agreed to by all the parties thereto, must be held not less than ten days nor more than thirty days after the filing of such application. The person filing such application shall be known as the applicant and the adverse party shall be known as the defendant.

A copy of said application, together with a notice of the time and place of hearing thereof, shall forthwith be served upon all adverse parties and may be served either as a summons in a civil action or in the same manner as any other notice that is authorized or required to be served under the provisions of this act. A notice of the time and place of hearing shall also be served upon the applicant.

Service of notice.

(b) The jurisdiction of the commission shall include any controversy relating to or arising out of the provisions of subsection (a) of section nine of this act, unless an express agreement shall have been made between the persons or institutions rendering such treatment and the employer or insurance carrier fixing the amount to be paid for the services.

Jurisdiction of commission.

(c) There shall be but one cause of action for each transaction coming within the provisions of this act, and all claims brought for medical expense, disability payments, death benefits, burial expense, liens or any other matter arising out of such transaction may, in the discretion of the commission, be joined in the same proceeding at any time.

But one cause of action.

(d) The death of an employer subsequent to the sustaining of an injury by an employee shall not impair the right of such employee to proceed before the commission against the estate of such employer, and the failure of such employee or his dependents to cause the claim to be presented to the executor or administrator of the estate shall not in any way bar or suspend such right.

Death of employer.

SEC. 7. Section twenty-four of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Stats. 1917, p. 851.

Sec. 24. (a) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided. No compensation, whether awarded or voluntarily paid, shall be paid to any attorney at law or in fact or other agent, but shall be paid directly to the claimant entitled to the same, unless otherwise ordered by the commission. Any payment made to such attorney at law or in fact or other agent in violation of the provisions of this section shall not be credited to the employer.

Claim not assignable.

(b) The commission may fix and determine and allow as a lien against any amount to be paid as compensation:

Lien against amount due as compensation.

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation or application filed therefor and the reasonable disbursements in connection therewith.

(2) The reasonable expense incurred by or on behalf of the injured employee, as defined in subsection (a) of section nine hereof.

(3) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(4) The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred dollars.

(5) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family, to be allowed in such proportion as the commission shall deem proper, upon application of the wife or guardian of the minor children.

Notice of claim.

(c) If notice in writing be given to the employer setting forth the nature and extent of any claim that may be allowed as a lien, the said claim shall be a lien against any amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments.

Award by commission.

Where it appears in any proceeding pending before the commission that a lien should be allowed if the same had been duly requested by the party entitled thereto, the commission may, in its discretion, and without any request for such lien having been made, order the payment of such claim to be made directly to the person entitled, in the same manner and with the same effect as though such lien had been regularly requested, and the award to such person shall constitute a lien against unpaid compensation due at the time of service of said award.

Excessive claim for legal services.

(d) No claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof, or for the expense mentioned in paragraph (2) of said subsection (b), in excess of a reasonable amount, shall be valid or binding in any respect, and it shall be competent for the commission to determine what constitutes such reasonable amount.

Preference of claim for compensation.

(e) A claim for compensation for the injury or death of any employee, or any award of judgment entered thereon, shall have preference over all other unsecured debts of the employer or insurance carrier.

Stats. 1917, p. 854.

Sec. 8. Section twenty-six of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

"Employee."

Sec. 26. The term "employee," as used in this section, shall include the person injured and any other person in whom a claim may arise by reason of the injury or death of such injured person. The death of the employee, or of any other person, shall not abate any right of action established by this section. The claim of an employee for compensation shall not affect his right of action for damages arising out of injury or death against any person other than the employer; and any employer having paid, or having become obligated to pay, compensation, may likewise bring an action against such other person to recover said damages. If either such employee or such employer shall bring such action against such third per-

Suits for damages from persons other than employer.

son, he shall forthwith notify the other in writing, by personal service or registered mail, of such fact and of the name of the court in which such suit is brought, filing proof thereof in such action, and, if the action be brought by either, the other may, at any time before trial on the facts, join as party plaintiff or must consolidate his action, if brought independently. If the suit be prosecuted by the employer alone evidence of any expenditures which the employer has paid or become obligated to pay by reason of said injury or death shall be admissible, and such expenditures shall be deemed a part of the damages, including a reasonable attorney's fee to be fixed by the court; and if in such suit the employer shall recover more than the amount he has paid or become obligated to pay as compensation he shall pay the excess to the injured employee or other person entitled. If the employee joins in or prosecutes such suit, evidence of the amount of disability indemnity or death benefit paid by the employer shall not be admissible, but proof of all other expenditures on account of said injury or death shall be admissible and shall be deemed part of the damages. The court shall, on application, allow as a first lien against any judgment recovered by the employee the amount of the employer's expenditures for compensation. When any injury or death shall have been suffered by an employee, no release or settlement of any claim for damages by reason of such injury or death and no satisfaction of judgment in such proceedings, shall be valid without the written consent of either both employer and employee, or one of them, together with the consent of the commission or the court in which any such action may be pending.

If employee
joins in suit.

SEC. 9. Section twenty-nine of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Stats. 1917,
p. 857.

Sec. 29. (a) Every employer as defined in section seven hereof, except the state and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

Ways for
securing
payment
of compensation

1. By insuring and keeping insured against liability to pay compensation in one or more insurance carriers duly authorized to write compensation insurance in this state.

2. By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the state treasurer a bond or securities, but not both a bond and securities, approved by the commission, in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown. So long as the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the state treasurer such bond or securities, the self-insurer shall not

be required or obliged to pay into the state compensation insurance fund any sums covering liability for compensation, excepting life pensions: but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer.

Action
against
employer.

Right to
attach
property.

(b) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; *provided*, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; *provided, further*, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow servant. No contract, rule or regulation shall be allowed to restore to the employer any of the foregoing defenses.

Stats. 1917,
p. 861.

Definitions.

Sec. 10. Section thirty-three of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Sec. 33. The following terms, as used in sections thirty-three to fifty-four, inclusive, of this act, shall, unless a different meaning is plainly required by the context, be construed as follows:

"Place of
employ-
ment."

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any industry, trade, work or business is carried on, or where any process or operation directly or indirectly related to any industry, trade, work or business, is carried on, including all construction work, and

where any person is directly or indirectly employed by another, but shall not include any place where persons are employed solely in household domestic service, or any place of employment, concerning the safety of which jurisdiction may have been vested by law heretofore or hereafter in any other commission or public authority.

(2) The term "employment" shall mean and include any trade, work, business, occupation or process of manufacture, or any method of carrying on such trade, work, business, occupation or process of manufacture, including construction work, in which any person may be engaged, except where persons are employed solely in household domestic service. "Employment."

(3) The term "employer" shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee. "Employer."

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, to engage in any employment, or to go to work or be at any time in any place of employment. "Employee."

(5) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act. "Order."

(6) The term "general order" shall mean and include such order, made under the safety provisions of this act, as applies generally throughout the state to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders. "General order."

(7) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city, or any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction. "Local order."

(8) The terms "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit. "Safe" and "safety."

(9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger. "Safety device" and "safeguard"

SEC. 11. Section thirty-seven of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows: Stats. 1917,
p. 863.

Employee not to interfere with safety devices.

Sec. 37. No employee or other person shall remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment, or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

Sec. 12. That a new section be added to be numbered forty-six and one-half to read as follows:

Restraining injunction against unsafe employments.

Sec. 46½. If the condition of any employment or place of employment or the operation of any machine, device or apparatus shall constitute a serious menace of the lives or safety of persons about it, the commission, or a commissioner, may apply to the superior court of the county in which such place of employment, machine, device or apparatus is situated, for an injunction restraining the use or operation thereof until such condition shall be corrected. The said application accompanied by affidavit showing that such place of employment, machine, device or apparatus is being operated in violation of a general or special safety order of the commission, and that such use or operation constitutes a menace to the life or safety of any person or persons employed thereabout, accompanied by a copy of the order or orders applicable thereto shall constitute a sufficient prima facie showing to warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the commission as a prerequisite to the granting of any restraining order. When in the opinion of the industrial accident commission a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the commission, and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the commission, nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

Stats. 1917, p. 806.

Sec. 13. Section fifty-three of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Reports of injuries.

Sec. 53. (a) Every employer of labor, without any exceptions, and every insurance carrier, and every physician or surgeon who attends any injured employee, is hereby required to file with the commission, under such rules and regulations as the commission may from time to time make, a full and complete report of every injury to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person; *provided*, that such report shall not be

required unless disability resulting from such injury lasts through the day of the injury or requires medical service other than ordinary first aid treatment. Where the injury results in death a report shall be made by the employer to the commission by telephone or telegraph forthwith. Such reports shall be furnished to the commission in such form and such detail as the commission shall from time to time prescribe, and shall make specific answers to all questions required by the commission under its rules and regulations. It shall be unlawful for any person, firm, corporation, agent or officer of a firm or corporation, to fail or refuse to comply with any of the provisions of this section, and any such person, firm, corporation, agent or officer of a firm or corporation, who fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor for each and every offense and upon conviction thereof shall be punishable by a fine of not less than ten dollars nor more than one hundred dollars. Any such employer or insurance carrier who shall furnish such report shall be exempt from furnishing any similar report, or reports authorized or required under the laws of this state.

Reports of
injuries.

(b) Every employer or insurance carrier receiving from the commission any blanks with directions to fill out the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case he is unable to answer any such questions a good and sufficient reason shall be given for such failure.

Filling out
blanks.

(c) No information furnished to the commission by an employer or an insurance carrier shall be open to public inspection or made public except on order of the commission, or by a commissioner or referee in the course of a proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor.

Information
not open
to public
inspection.

SEC. 14. Section fifty-four of said workmen's compensation, insurance and safety act of 1917, approved May 23, 1917, is hereby amended to read as follows:

Stats. 1917,
p. 867.

Sec. 54. (a) The commission shall investigate the cause of all industrial injuries occurring within the state in any employment or place of employment, or directly or indirectly arising from or connected with the maintenance or operation of such employment or place of employment, resulting in disability or death and requiring, in the judgment of the commission, such investigation; and the commission shall have the power to make such orders or recommendations with respect to such injuries as may be just and reasonable; *provided*, that neither the order nor the recommendation of the commission shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

Investigation
of injuries.

Inspectors,
etc., may
enter place of
employment.

(b) For the purpose of making any investigation which the commission is authorized to make under the provisions of this section, or for the purpose of collecting statistics or examining the provision made for the safety of employees, any member of the commission, or other person designated by the commission for that purpose, may enter any place of employment; and in the performance of such duties shall have the power to subpoena witnesses, administer oaths and take testimony.

Penalty for
violation.

(c) Any employer, insurance carrier, responsible agent or employee of such employer or insurance carrier, or any other person who shall violate or omit to comply with any of the provisions of this section, or who shall in any way obstruct or hamper the commission, any commissioner or other person conducting any investigation authorized to be undertaken or made by the commission, shall be guilty of a misdemeanor.

CHAPTER 472.

An act appropriating money for premiums at fairs held by the twenty-fifth agricultural district association during the seventieth and seventy-first fiscal years.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Appropriation:
premiums at
county fairs.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, for the purpose of paying premiums at county fairs held during the seventieth and seventy-first fiscal years in agricultural district twenty-five.

CHAPTER 473.

An act providing for the publication of an index of the laws of California, and making an appropriation therefor.

[Approved May 23, 1919. In effect July 23, 1919.]

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

Index to laws
of California.

SECTION 1. The legislative counsel is hereby directed to prepare for publication and the superintendent of state printing is hereby directed to print, bind and distribute in accordance with the directions hereof, two thousand copies of an index of the constitution and laws of this state, including the laws enacted by the legislature at its forty-third session.

SEC. 2. One copy of said index shall be distributed to each member of the legislature and to each state officer, and the balance of the copies printed shall be offered for sale to the public at a price sufficient to cover the cost of publication and distribution, all receipts to be paid into the state treasury. Distribution.

SEC. 3. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of six thousand dollars to carry out the provisions hereof. Appropriation.

CHAPTER 474.

An act appropriating money to pay the claim of the city and county of San Francisco against the State of California.

[Approved May 23, 1919. In effect July 23, 1919.]

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

SECTION 1. The sum of seventy-one and twenty-one hundredths dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the city and county of San Francisco against the State of California. The state controller is hereby directed to draw his warrant in favor of the city and county of San Francisco for said sum of seventy-one and twenty-one hundredths dollars and the state treasurer is hereby directed to pay the same. Appropriation: claim of San Francisco city and county.

CHAPTER 475.

An act appropriating money to meet additional expenses for the support of orphans, half orphans and abandoned children for the sixty-ninth and seventieth fiscal years.

[Approved May 22, 1919. In effect immediately.]

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

SECTION 1. The sum of eighty thousand five hundred seventy-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet additional expenses for the support of orphans, half orphans and abandoned children for the sixty-ninth and seventieth fiscal years. Appropriation: orphan aid.

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

CHAPTER 476.

An act re-appropriating the unexpended balance of the moneys heretofore appropriated by "an act to appropriate money to pay the expenses of street improvements fronting the property of the San Jose State Normal School in the city of San Jose," approved May 17, 1915.

[Approved May 22, 1919. In effect July 22, 1919.]

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

Appropriation: repairs at San Jose State Normal School.

SECTION 1. The unexpended balance of the moneys heretofore appropriated for the expenses of street improvements fronting the property of the San Jose State Normal School in the city of San Jose is hereby made available for the purpose of repairs, improvements and equipment at the San Jose State Normal School.

CHAPTER 477.

An act to provide for and regulate municipal elections in cities of the fifth and sixth class.

[Approved May 27, 1919. In effect July 27, 1919.]

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

Elections in cities of 5th and 6th class.

SECTION 1. All general municipal elections at which city officials are to be voted for in cities of the fifth and sixth class, shall be held and conducted in accordance with the provisions of this act.

Notice of election.

SEC. 2. Not earlier than the sixtieth day nor later than the twentieth day before any such election, the city clerk shall cause a notice of the same to be published at least once in one or more newspapers published and circulated in such city. Said notice shall be headed "Notice of Election," and shall contain a statement of the time of the election, the offices to be filled thereat, (specifying short terms, if there be any), propositions to be voted on, if any, and briefly, a general description of the voting precincts and location of the polling places. In case there is no newspaper published and circulated in such city, said notice shall be typewritten and copies thereof shall be posted conspicuously within said time in at least three public places in said city. Said notice shall be substantially in the following form:

NOTICE OF ELECTION.

Form.

Notice is hereby given that a general municipal election will be held in the-----of-----, on Monday, the-----day of April, 19----, for the following offices:

(name them). (In case there are any propositions to be submitted, add the following clause.) The following propositions will be submitted at said election: (give brief synopsis of same).

There will be ----- voting precincts for the purpose of holding said election, consisting of a consolidation of the regular election precincts established for holding the last general state or county election as follows: Consolidated voting precinct "A" comprising state and county precincts numbers one, two and three, and the polling place thereof shall be at (stating place); consolidated voting precinct "B" comprising state and county election precincts numbers four, five and six, and the polling place thereof shall be at (stating place).

The polls will be open between the hours of ----- m. and ----- m.

City clerk.

Dated, -----

SEC. 3. The voting precincts for such general municipal elections shall consist of a consolidation of any two or more of the regular election precincts established for the last state or county election. Precincts.

SEC. 4. For every such general municipal election the board of trustees shall appoint one inspector, two judges and two clerks as election officers to have charge of such election in and for each such consolidated voting precinct. The board of trustees may, in their discretion, advertise for election officers, or they may appoint such officers from the register of applicants for such positions on file with the county clerk; *provided*, that other things being equal, preference shall be given for ability and previous experience. Each election officer must be an elector and a resident of the consolidated voting precinct for which he is appointed. Said election officers shall receive such compensation as the board of trustees may deem just. Election officers.

SEC. 5. Candidates may be nominated for any of the elective offices of such city in the manner following: Nomination of candidates.

Not earlier than the sixtieth day nor later than twelve o'clock noon on the twentieth day before such election, the electors may nominate candidates for such election by signing a nomination paper such as hereinafter set forth. Each candidate shall be proposed by not less than five nor more than ten qualified electors, but only one candidate shall be named in any one nomination paper. No elector may sign more than one nomination paper for the same office, but each seat on the board of trustees shall be deemed a different office. Any person or persons may circulate a nomination paper.

The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto his occupation, date and place of residence (giving the street and number [if such there be] otherwise such designation of his place of residence as will enable the location to be

readily ascertained). All such nomination papers shall be filed with the city clerk not later than twelve o'clock noon on the twentieth day before such election, and shall be accompanied by a verified statement of the candidate that he will accept the nomination, and also accept the office in the event of his election. Said nomination papers and affidavit shall be substantially in the following form:

Form of nomination paper.

NOMINATION PAPER.

We, the undersigned electors of the city of _____ hereby nominate _____ for the office of _____ of said city.

Name	Occupation	Date	Residence
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

AFFIDAVIT OF NOMINEE.

State of California }
 County of _____ } ss.

_____ being duly sworn, says that he is the above named nominee for the office of _____, and that he will accept said office in the event of his election.

Subscribed and sworn to before me this _____ day of _____, 191___.

 Notary public in and for the county of _____,
 State of California.

Publication of names of nominees.

SEC. 6. It shall not be necessary to print or send out sample ballots for such election, but the city clerk shall publish a list of the names of the nominees, in alphabetical order and the respective offices for which they have been nominated at least twice before the day of election in one or more daily or weekly newspapers published in such city. Said list shall be headed, "Nominees for public office," in conspicuous type, and be substantially in the following form:

NOMINEES FOR PUBLIC OFFICE.

Form of notice.

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the general municipal election to be held in the city of _____, on Monday, the _____ day of April, 19_____.

(Here follow with the list of nominees.

In case any propositions are to be voted on, set them forth also.)

Dated, _____

City clerk.

SEC. 7. The city clerk shall procure the necessary voting booths and see that they are properly erected; he shall also have the necessary ballots printed and secure the necessary ballot boxes, stamps, ink pads, voting lists, roster, instruction cards, affidavits of registration and index thereto, tally lists, returns, envelopes, and all other necessary supplies, and see that they are properly distributed to each voting booth prior to the opening of the polls on the day of election. Election booths and supplies.

SEC. 8. All official ballots shall have the names of the candidates printed thereon in a column four inches in width, each name occupying a separate place divided by fine lines one-half an inch apart, and having below the printed list, the necessary blank space or spaces to permit the elector to write in the name or names of other persons not printed on the ballot. The names shall be printed on the ballot in alphabetical order. Ballots.

Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two," or more as the case may be, according to the number to be elected to such office; and where the office is for a short or unexpired term, the same shall be so specified. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS.

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. Instructions to voters.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

A separate parallel column four inches in width shall be provided for any questions or propositions to be submitted at such election. The right side of each column shall be set off by a light vertical line so as to form half-inch squares or voting spaces.

Printing,
etc., of
ballots.

The ballots shall be printed on tinted paper containing a water-marked design, and they shall be kept secret from all persons not engaged in the preparation of the ballots until the day of election. The printing, perforating, padding, numbering, and amount of the ballots, and the kind of type used in printing the same, shall be substantially the same, as nearly as may be, as is used for the preparation of ballots for state and county elections, except as may be otherwise herein provided.

Bound in
books.

SEC. 9. All ballots, when printed, shall be bound in stub books, each book to consist of ten, or some multiple of ten ballots, and so issued. A record of the number of ballots printed by them shall be kept by the city clerk.

Registration.

SEC. 10. At any such municipal election, the original affidavits of registration, or carbon copies thereof, shall be used therefor, and no person shall be entitled to vote at such election unless he has registered and shall have resided in the city at least thirty days prior to the day of election.

Index to
registration
books.

SEC. 11. Before opening the polls the election board must post in separate convenient places, at or near the polling place and easy of access to the electors not less than four of the copies of the index to the book of affidavits of registration furnished for that precinct.

Oath of
election
officers.

SEC. 12. Before opening the polls, the election officers must take and subscribe to an oath to faithfully perform the duties imposed upon them by law. Any elector of the city may administer and certify to such oath.

Booths.

SEC. 13. The clerk shall provide a sufficient number of voting booths or compartments to accommodate the voters, and of such a character that each voter in the marking of his ballot will be screened from the observation of others.

Care of
ballot box.

SEC. 14. Before receiving any ballots the election board shall, in the presence of such persons as may be assembled at the polling place, open, exhibit and close the ballot box; and thereafter it must not be removed from the polling place or presence of the bystanders until all the ballots have been counted, nor must it be opened until after the polls are finally closed.

SEC. 15. The polls must be and remain open on the day of such an election between such hours as the board of trustees may determine, but not less than eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, otherwise such hours shall be the same as those provided for general state elections. Before the board receive any ballots, they must cause it to be proclaimed aloud at the place of election that the polls are open. Opening and closing polls.

SEC. 16. Any elector desiring to vote shall write his or her name and address on the roster provided for that purpose. If no challenge is interposed, or if a challenge be interposed and overruled, the election officer shall give him a blank ballot, after registering the number of the same. The voter shall then be permitted to enter the voting booth and stamp his ballot. No persons shall be permitted within six feet of any voting booth except those voting or those assisting voters in the manner authorized by law. Before leaving the booth the voter shall fold the ballot so that the number thereof only is visible. He shall then hand it to the inspector who shall announce the name of the voter and number of his ballot. If found to correspond, the inspector shall tear off the number from the ballot and deposit the ballot in the ballot box. Any member of the election board may administer and certify oaths required to be administered during the progress of the election. Manner of voting.

SEC. 17. Voters who can not read, or by reason of physical disability are unable to mark their ballots may be assisted in voting in the manner provided by section one thousand two hundred eight of the Political Code. Assisting voters.

SEC. 18. Voters may be challenged and the challenge disposed of as provided in sections one thousand two hundred thirty-one to one thousand two hundred forty-two inclusive of the Political Code. Challenges.

SEC. 19. Any voter who shall spoil a ballot shall return the same to the inspector and obtain another. The inspector shall thereupon cancel the spoiled ballot by drawing two crossed lines over the face thereof in ink. Spoiled ballot.

SEC. 20. 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. Closing polls.

SEC. 21. Immediately upon the closing of the polls, and before opening the ballot box and proceeding to count the ballots, the inspector shall deface all the unused and spoiled ballots by drawing across the face thereof, in red ink, with a pen, two lines which shall cross each other; and all spoiled and unused ballots shall be placed within and sealed in an envelope before the ballot box is opened. Defacing unused and spoiled ballots.

Canvass
of vote.

SEC. 22. As soon as the polls are finally closed the officers must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof is declared.

Ballots
folded
together.

SEC. 23. If two or more separate ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon comparison of the count with the number of names of electors on the lists which have been kept by the clerks, it appears that the two ballots thus folded together were cast by one elector, they must be rejected.

Ballots in
excess of
names on list
destroyed.

SEC. 24. The ballots must be immediately replaced in the box, and if the ballots in the box exceed in number the names on the lists, one of the officers must publicly, and without looking into the box, draw out therefrom singly, and destroy, unopened, a number of ballots equal to such excess; and the board of election must make a record, upon the poll list of the number of ballots so drawn and destroyed. The number of ballots agreeing or being thus made to agree with the number of names on the lists, the lists must be signed by the members of the board.

Count.

SEC. 25. After the lists are thus signed, the board must proceed to open the ballots and count and ascertain the number of votes cast for each person voted for. All ballots rejected for illegality must have indorsed upon the ballot the cause of such rejection, and be signed by a majority of the election board, and thereafter strung upon a string.

Tallies.

SEC. 26. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for, to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink as the name of each candidate voted for is read aloud from the respective ballot, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept must, during the reading and tallying, be within the clear view of watchers at the count.

Rules for
counting
ballots.

SEC. 27. (a) In canvassing the votes any ballot which is not marked as provided by law shall be void; but such ballot must be preserved and returned with the other ballots; *provided, however*, that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space shall not make such ballot void. Any name written upon a ballot shall be counted for such name for the office under which it is written, provided it is written in the blank space therefor, whether or not a cross (X) is stamped or made with pen or pencil in the voting square after the name so written.

(b) If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

(c) If a voter stamps in the voting square after the name of any candidate and also writes the name of a person for such office in the blank space, such act does not invalidate his ballot, but his vote shall not be counted for any person for that office, but as to all other offices the ballot must be counted for the candidates opposite whose names the ballot is stamped in the voting squares.

(d) No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot.

SEC. 28. The ballot, as soon as the names marked on it as voted for are read and verified, must be strung on a string by one of the officers and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the board writing his name across the seal. After counting.

SEC. 29. As soon as all the votes are counted and the ballots sealed up, lists must be attached to the tally lists containing the names of persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the members of the board. Lists containing number of votes.

SEC. 30. The board must, before it adjourns, inclose in a cover, and seal up and direct to the city clerk, the copy of the register upon which one of the officers marked the word "voted" as the ballots were received, all certificates of registration received by it, one of the lists of the persons challenged, one copy of the list of voters, and one of the tally lists, and list attached thereto. The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place; such copy of the result must be signed by the members of the board. The board must also immediately transmit unsealed to the city clerk a copy of the result of the votes cast at such polling place, which copy must be signed by the members of the board, and which copy shall be open to the inspection of the public. It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to be delivered to the city clerk. Lists sent to city clerk.

SEC. 31. The other lists of voters, tally list and list attached thereto must be sent to the city clerk or registrar and retained by him open to inspection of all electors for at least six months. Posting returns.

SEC. 32. The sealed packages containing the register, lists, papers, and ballots, must, before the board adjourns, be delivered to one of its members, to be determined by lot, unless otherwise agreed upon. Returns sent to city clerk.

Delivery of sealed packages.

SEC. 33. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the city clerk, who shall indorse on such packages the name of the party delivering them and date of such delivery.

One package to contain the voted ballots, only; one package to contain one poll and tally list only; one package to contain the precinct registers, index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots.

Ballots kept
12 months.

SEC. 34. On receipt of the packages the clerk must file the one containing the ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without having opened or examined its contents.

Canvass of
returns by
board of
trustees

SEC. 35. The board of trustees must meet at their usual place of meeting, on the first Monday after such election, to canvass the returns and install the newly elected officers.

The board of trustees must declare elected the persons having the highest number of votes given for each office. Upon the completion of the canvass and before installing the new officers, the board shall pass a resolution reciting the fact of the election and such other matters as are enumerated in the following section.

Statement
of result.

SEC. 36. The clerk of the board must, as soon as the result is declared, enter on the records of such board a statement of such result, which statement must show:

1. The whole number of votes cast in the city;
2. The names of the persons voted for, and the propositions voted upon;
3. The office to fill which each person was voted for;
4. The number of votes given at each precinct to each of such persons, and for and against each of such propositions;
5. The number of votes given in the city to each of such persons, and for and against each of such propositions voted upon.

Certificate
of election.

SEC. 37. The city clerk must immediately make out and deliver to each of such persons elected a certificate of election, signed by him, and duly authenticated; he shall also impose the constitutional oath of office and have them subscribe thereto.

Campaign
expenditures.

SEC. 38. It shall not be necessary for any candidate or nominee for a municipal office to file a statement of his expenditures used in aid of his election.

General
election law
of state
to apply.

SEC. 39. In all other respects, not otherwise provided for herein, such general municipal elections shall be held and conducted in accordance with the general election laws of the state so far as the same may be applicable. This act shall be liberally construed to promote the objects hereof, and no error, omission or irregularity shall ever be held to invalidate such an election providing the provisions of this act have been substantially complied with.

CHAPTER 478.

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

[Approved May 27, 1919. In effect July 27, 1919.]

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

SECTION 1. Section four thousand two hundred sixty-five of the Political Code is hereby amended so as 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: Counties of
36th class;
salaries of
officers.

1. County clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the county clerk, 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 five hundred dollars per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year. County clerk.

2. Sheriff, three thousand dollars per annum; *provided*, that in counties of this class, there shall be, and hereby is, allowed to the sheriff, one undersheriff, whose salary is hereby fixed in the sum of two thousand four hundred dollars per annum, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy, who shall be jailer, who shall receive a salary of one thousand five hundred dollars per annum; one deputy, who shall be court bailiff, who shall receive a salary of one thousand five hundred dollars per annum, one deputy, who shall also be chauffeur, who shall receive a salary of one thousand five hundred dollars per annum, and four additional deputies, who shall each receive a salary of one thousand five hundred dollars per annum. Sheriff

3. Recorder, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and two deputies for twelve months in each year at one hundred dollars Recorder.

each per month, and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

Auditor.

4. Auditor, two thousand four hundred dollars per annum; *provided*, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall receive a salary of one thousand three hundred eighty dollars per annum, one deputy who shall receive a salary of one thousand three hundred twenty dollars per annum, two deputies for not more than four months in each year, who shall each receive a salary of one hundred ten dollars per month, and four additional deputies for not more than one month in each year, who shall receive a salary of one hundred ten dollars per month each.

Treasurer.

5. Treasurer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding four hundred dollars per annum, to be expended for the salary of a deputy.

Tax collector.

6. Tax collector, two thousand four hundred dollars per annum; one chief deputy for not more than ten months of each year, who shall receive a salary of one hundred twenty-five dollars per month, and six deputies for not more than three months of each year, who shall receive a salary of one hundred dollars per month each.

Assessor.

7. Assessor, two thousand four hundred dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer and roll writer, for not more than eight months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month; one deputy for writing plat books, for not more than five months in each year, who shall receive a salary of one hundred twenty-five dollars per month; one check deputy for not more than five months in each year, who shall receive a salary of one hundred twenty-five dollars per month; two additional deputies for not more than four months in each year, who shall each receive a salary of one hundred dollars per month; eight field deputies for not more than three months in each year, who shall each receive a salary of one hundred fifty dollars per month; two field deputies for not more than three months in each year, who shall each receive a salary of one hundred twenty-five dollars per month; one field deputy for not more than three months in each year, who shall receive a salary of one hundred seventy-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class,

the assessor shall receive no fees or compensation for his collection of taxes on personal property or possessory interests.

8. District attorney, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall be designated "criminal investigator" who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand two hundred dollars per annum; it shall be the duty of this stenographer to report and transcribe, without any additional charge, all preliminary hearings required of him by the district attorney.

District attorney.

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

Coroner.

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

Public administrator

11. Superintendent of schools, two thousand four hundred dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.

Superintendent of schools.

12. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block books for the use of the county assessor.

Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: in townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand, and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Justices of peace.

14. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: in townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. Constables shall co-operate at all

Constables.

times with the sheriff, and shall perform any and all duties that he may require of them. It is hereby found as a fact, that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Population
of townships.

15. 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 four the vote cast for governor in each township at the general election next preceding.

Supervisors.

16. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year.

Horticultural
commis-
sioner.

17. Horticultural commissioner, one thousand eight hundred dollars per annum; *provided*, in counties of this class, said horticultural commissioner may appoint as many inspectors as may be necessary for the performance of his duties, who shall be paid three dollars and fifty cents for each day of eight hours actually engaged in the performance of their duties.

County
physician.
County
health
officer.

18. County physician, seventy-five dollars per month.

19. County health officer, seventy-five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, two deputies, each of whose salaries shall be one hundred fifty dollars per month, said deputies to pay all their own expenses.

Live stock
inspector.

20. Live stock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the live stock inspector shall devote his entire time to the performance of the duties of the office; *provided, further*, that in counties of this class the live stock inspector shall be and hereby is allowed three deputies who shall each receive as salaries six hundred dollars per annum.

Probation
officer.

21. Probation officer, one thousand eight hundred dollars per annum.

Jurors.

22. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, in coming only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend.

CHAPTER 479.

An act granting to the city of Hermosa Beach the tidelands and submerged lands of the State of California within the boundaries of the said city.

[Approved May 25, 1919. In effect July 25, 1919.]

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

SECTION 1. There is hereby granted to the city of Hermosa Beach, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the tidelands and submerged lands, whether within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

Tidelands
granted to
Hermosa
Beach.

(a) Said lands shall be used by said city and by its successors, solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said city, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided*, that said city, or its successors, may grant franchises thereon, for a period not exceeding forty years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof for a period not exceeding forty years, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor;

Use of lands.

(b) Said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California, shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

Improvement
of harbor.

(c) In the management, conduct or operation of said harbor, or of any of the utilities or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in

Rates,
tolls, etc.

facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city or by its successors. The absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purpose, is hereby reserved to the people of the State of California.

CHAPTER 480.

An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement 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 May 25, 1919. In effect July 25, 1919.]

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

Petition to
organize
sanitary
district.

SECTION 1. Whenever twenty-five persons in any county of the state shall desire the formation of a sanitary district within the county, they may present to the board of supervisors of such county a petition, in writing, signed by them, stating the name of the proposed district, and setting forth the boundaries thereof, and praying that an election be held as provided by this act. Each of the petitioners must be a resident and freeholder within the proposed district.

Order
calling
election.

SEC. 2. When such petition is presented as above provided, the board of supervisors must, within thirty days thereafter, order that an election be held as provided by this act. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district, and must state that at such elections persons to fill the offices provided by this act, viz: a sanitary assessor, and five members of the sanitary board, will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

Posting and
publishing
of order.

SEC. 3. A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive

weeks prior to the election in some newspaper published in the proposed 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.

SEC. 4. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select two, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place; who shall constitute the officers of said election; if none are so appointed or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballots shall contain the words, "for a sanitary district," or "against a sanitary district," as the case may be, and also the names of the persons to be voted for at said election. At such election there shall be elected a sanitary assessor and five persons for members of the sanitary board. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. 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. Conduct of election. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes of said board an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the sanitary district. If majority vote in favor. If a majority of the votes cast shall be against a sanitary district, the board shall by order entered in its minutes, so declare; no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board. If majority vote against.

SEC. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct, reconstruct, alter, enlarge, lay, renew, replace and maintain such sewers, drains, septic tanks and other drainage and sewer disposal system as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, Powers of sanitary district.

deeds, releases, and documents of any kind which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds or any lawful claims against said district, and the running expenses of the district; in all work for the construction and repairs upon such sewers, septic tanks, drains and other drainage and sewer disposal system when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such district, for at least two weeks, or by printing and posting the same in at least four public places therein for the same period, as the sanitary board may direct; such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the sanitary board may reject any and all bids presented and readvertise in their discretion; *provided, however*, that in cases of emergency said notice may be dispensed with and the contract let for said repairs, or said work may be done by day's labor and the material therefor purchased in the open market; to employ all necessary agents and assistants, and pay the same; to lay its sewers, and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and all other sanitary regulations not in conflict with the constitution or laws of the state; any violation of any such regulations or ordinances is hereby declared to be a misdemeanor punishable by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars; and no such imprisonment shall exceed one month; to call, hold and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers, drains or other sewerage disposal system; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purposes for which it was formed.

Officers.

SEC. 6. The officers of the district shall be a sanitary assessor and five members of the sanitary board.

SEC. 7. There shall be an election for sanitary assessor on every even-numbered year in which members of the sanitary board are elected, and at the same time, place and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was formed shall hold office until the election and qualification of his successor; *provided*, that if at any time a vacancy occur in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act. Sanitary assessor.

SEC. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district; he shall list the tangible real and personal property in any annexed district separately. Such list shall contain a general description of the property said description shall be identical with said descriptions of the same properties as contained on the county assessment list for the current year, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon. No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath, before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board. List of property in district.

SEC. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year, after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election Election and term of sanitary board.

Compensation.

at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act each of the members of the sanitary board shall receive for each attendance of the meeting of the sanitary board, five dollars, and shall receive no other compensation, no member of the sanitary board, however, shall receive pay for more than one meeting in any calendar month. All elections for officers, after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days before the day of such election the sanitary board must give notice of said election by posting notices thereof in three public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

Canvass of vote.

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the sanitary board. Said board shall within five days after the election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

Powers of sanitary board.

SEC. 10. The sanitary board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance as herein provided. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and another of its members as secretary. And all

Officers.

contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The board shall hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both as the case may be.

SEC. 11. On the first Monday of July each year, at the hour of 7.30 o'clock p.m., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of equalization until the property upon the entire list returned by the assessor shall have been examined, rectified and equalized, with such reasonable intermissions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment

Equalization
of
assessments

Fixing
tax rate

Tax a lien
on property
assessed.

shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply. No bonds shall be voted for or issued at any one time, which in the aggregate shall exceed fifteen per cent of the assessed value of all the real and personal property of such district; whether it be made up of one issue of bonds or of several issues.

Limit on amount of bonds.

Duty of county tax collector.

SEC. 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 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.

Duty of district attorney.

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

Redemption of property sold for delinquent taxes.

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 date of such sale, of an amount which is not greater than the amount which is by this act permitted.

Redemption
of property
sold for
delinquent
taxes.

Sec. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, and for the retirement of bonds which had been issued by a district which formerly formed a part of the sanitary district as hereinafter provided for, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board, and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a

Funds kept
by county
treasurer.

specific account of his receipts and disbursements of money for sanitary purposes. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act. The treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

Bond
election.

SEC. 14. At any time after the district is organized the sanitary board, by order entered in the minutes, may, when in its judgment it is advisable, and must, upon a petition of a majority of the qualified electors residing in the district, 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 construction, reconstruction, alteration, laying, renewing, replacing or enlargement of sewers, drains or septic tanks or other drainage or sewer system, whether the same be for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage.

The order calling such election shall be valid and effectual when signed by two-thirds of the members of said sanitary board, 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.

Notice of
election.

SEC. 15. 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 printed and published in the district, if any newspaper is published therein, and if not, in a newspaper printed and published in the county.

Contents
of notice.

SEC. 16. 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.

Conduct of
election.

SEC. 17. At any time prior to the day fixed for the election, the board shall select one, and may select two, polling places within the district, appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election. If no election officers are appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them and they shall conduct the election. The vote must be by ballot (without references to the general election law in

regard to form of ballot). The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the persons voting at said bond elections 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 bonds.

The elections shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided.

Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the elections 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 board shall on the seventh day after the election, at eight o'clock p.m., meet and canvass the returns of the election, 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. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at 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; *provided*, that the total amount of bonds so issued shall not exceed ten per cent of the assessed value of all real and personal property of the district, as shown by the last equalized assessment book of the county.

SEC. 18. All bonds issued under the provisions of this act shall be of such denominations 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. Said 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 six per cent per annum, which interest shall be payable semiannually in like gold coin. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the sanitary board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein 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 said 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 -----sanitary district (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; *provided*, that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act.

Exchange
of bonds.

SEC. 19. 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. After a district organized under the act of 1891, mentioned in section thirty-one hereof, shall have been reorganized under this act as provided in said section thirty-one hereof, the entire amount of unredeemed bonds issued by such districts under the provisions of said act of 1891 may be presented by the holder or holders thereof to the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section thirty-one of this act, and there shall be exchanged therefor and issued in lieu thereof to such holder or holders, by the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section thirty-one of this act, bonds issued in accordance herewith for the various amounts of the bonds so surrendered; it being the intention hereof to permit the surrender of sanitary district bonds heretofore issued payable in installments by the holder thereof, and the exchange therefor of a like amount of bonds of such sanitary district having a denomination equal to the installments payable under one or more of the bonds heretofore issued by any one sanitary district; said new bonds to be payable as nearly as practicable at the same time as said installments and in equal amounts; the amount of said new bonds issued in lieu of said old bonds to be payable in any one year to equal the amount of the installments on said old bonds payable in such year. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds. Upon such exchange being effected the old bonds shall be canceled by punching holes in the signatures thereto attached, and shall be retained by the treasurer of said county as evidence of such cancellation.

Tax to pay
interest and
principal.

SEC. 20. The sanitary board of each district shall annually levy a tax upon the taxable property in the district sufficient to pay the interest of said bonds for the year, and such portion of the principal as is due or is to become due during such year, and in any event the tax must be high enough to raise annually a proportion of the principal of said bonds equal to the sum

produced by dividing the whole amount of said bonds outstanding by the number of years said bonds then have to run, so that the entire amount of principal and interest of said bonds shall be paid at or before maturity, and in any event within forty years of the date of issuance of the 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 taxes, to collect the said taxes so to be levied, and the duty of the sanitary board to order the same to be 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 the levy for the next year, and be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within forty years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and board to do his or its 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 application of any party interested, for the purpose of compelling the performance of the duty imposed by this act upon any and all officers or boards.

Payment
within
forty years.

SEC. 21. If the result of any election upon the question of the issuance of bonds 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 proceeding in relation to irrigation bonds, provided for by an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby or 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 all acts amendatory thereof and supplementary thereto 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.

Action to
determine
validity
of bonds.

SEC. 22. Any general regulation of the sanitary board shall be by order entered in the minutes, but such order shall be published once a week for one week in some newspaper published within the district, if there be one, and if there be no such newspaper then such order shall be posted for one week

Publication
of orders.

in three public places within the district. A subsequent order of the board that such publication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted (unless otherwise provided by this act), but shall be entered in the minutes, and the entry shall be signed by the secretary of the board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

Duty of
district
attorney.

SEC. 23. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said district attorney for advice as to any sanitary subject; and it shall be the duty of the district attorney to obey such instructions and to give advice when called on by the board therefor. The board may at any time employ special counsel for any purpose. All fines for the violation of any regulation or order of the sanitary board shall, after the expenses of the prosecution are paid therefrom, be paid to the secretary of the board, who shall forthwith deposit the same with the county treasurer, who shall place the same in the running expense fund of the district.

Dissolution
of district.

SEC. 24. 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 sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such or any other dissolution the property of the district lying within the corporate limits of any city or town shall vest absolutely in the incorporated city or town; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city or town the whole or the portion of the property of the district that lies without the corporate limits of the city or town shall vest in the board of supervisors of the county until the formation of a city or town; embracing the territory lying without such incorporated city or town; *provided, however*, that if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve the district shall dissolve the same for all purposes, excepting only the levy and collection of taxes for the payment of such indebtedness and for the payment of the expenses of assessing, levying and collecting the same, and the expense of maintenance of said sewer system, and from the time such district is thus or otherwise dissolved, until such bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of said incorporated city or town, where the property of the district lies wholly within the corporate limits of an incorporate city or town,

and in all other cases the board of supervisors are hereby constituted, ex officio, the sanitary board of such district. And it is hereby made obligatory upon such board or legislative authority 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, and for the purpose of maintenance of the sewer system as herein provided, and said board or legislative authority shall maintain the sewer system installed in proper condition and shall fulfill and compel fulfillment of any and all contracts made by the sanitary district for the right of connections made with property lying outside of the boundaries of said district; and shall maintain and protect all other rights acquired by the district; and shall not permit connection to be made with the system installed by any property outside of the boundaries of said sanitary district existing at the time of dissolution.

Dissolution
of district

SEC. 25. The sanitary board shall have power, except in incorporated cities or towns, at any time after main sewers, or other sewers are laid, to order and contract for the construction of a sewer in any street, highway or upon property and rights of way owned by the sanitary district or part of any street, highway or property or rights of way owned by sanitary districts where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer, or to be borne by a district as ordered. The provisions of that certain act entitled, "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds" (approved April 7, 1911), and the amendatory acts thereto, is hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said act and the amendments thereto; *provided, however*, that the words "city council" and "council" used in said act shall be understood to mean sanitary boards. The words "city" and "municipality" shall be understood to mean sanitary districts. The words "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district" and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of constructing and maintaining a sewer therein: *and*

Construction
of sewers.

Street
Improvement
act of 1911
to apply.

provided, further, that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerk and city clerks, and treasurers and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

Annexation
of territory.

Sec. 26. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following: A petition signed by twenty-five per cent of the qualified electors of such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not less than one hundred dollars, to be approved by said sanitary board and filed with the secretary of the sanitary board as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that at said election less than a majority of the votes cast are in favor of the annexation of the proposed territory to the sanitary district.

Order for
election.

When such petition is presented and a bond approved and filed as above provided for, the sanitary board must within thirty days thereafter order that an election be held for the purpose of determining whether or not such proposed territory shall be annexed. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district. This order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and freeholder within the limits of the proposed district to be annexed.

Posting and
publishing
of order.

A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the district and the district proposed to be annexed, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week. At any time prior to the day fixed for the election, the board shall select one and may select two polling places within the sanitary district, and shall select one and may select two polling places within the district proposed to be annexed, appoint officers of election, and make all necessary and proper arrangement for holding the election. Upon the ballots to be

Conduct of
election.

used at such election there shall be printed the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each such propositions. The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district and the district proposed to be annexed 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. Immediately upon the completion of such canvass said sanitary board shall cause a record thereof to be made and entered upon its minutes showing the whole number of votes cast in such sanitary district, the whole number of votes cast in the district proposed to be annexed, the whole number of votes cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all of the votes cast in such sanitary district and a majority of all the votes cast in the district proposed to be annexed, are in favor of annexation the secretary, or other officer performing the duties of secretary of the sanitary board of such sanitary district shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted and filed with the board of supervisors of the county in which such sanitary district is situated. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and the facts stated in such entry. Said board of supervisors, at its next regular meeting after filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading up 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. If at said election less than a majority of the votes cast in either the sanitary district or the district proposed to be annexed be in favor of annexation of the proposed territory to the sanitary district, the signers of said petition shall, within ten days after the canvassing of the votes of said election, pay to the sanitary board a sum of money covering the reasonable cost of said election, and if said sum of money is not so paid within ten days, as aforesaid, the sanitary board shall have the right of action under said bond to recover the reasonable cost of said election, and the sanitary board shall, by order, disapprove said petition and enter the same in the minutes of said board, and no other proceedings shall be

(majority
of votes.

Majority
vote.

Payment
of costs if
less than
majority
favours.

taken in relation thereto until the expiration of one year from the presentation of said petition, except to collect the costs of said election as herein provided.

Issue of
bonds after
annexation.

At any time after the annexation of such contiguous territory, the sanitary board may issue bonds for the construction of sewers therein in the manner and for the purposes prescribed and specified in sections fourteen to twenty-one, inclusive, of this act: *provided, however*, that only qualified electors resident within said annexed territory shall be entitled to petition or vote in said proceedings; *and provided, further*, that taxes for the payment of the principal and interest of such bonds shall be limited to the taxable property situate within such annexed contiguous territory; *provided, further*, that nothing in this section shall be construed to limit the powers or alter the procedure elsewhere in this act provided for the issuance of bonds by an entire district and payable out of taxes levied upon all the taxable property therein, whether the boundaries of the district remain as originally established or have been altered by the annexation of contiguous territory.

Lateral
sewer
maintained
by city.

SEC. 27. At any time after the sewer or other sanitary system is constructed the board of trustees or other governing body of any municipal corporation lying within the limits of any sanitary district may elect to keep and maintain the lateral sewer lying within said municipality in order and repair and may enter into an agreement with the sanitary board so to do. From and after the date of such agreement said board of trustees shall keep said lateral in repair and the sanitary board shall not be required to keep the same in order or repair. After a municipality elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of such municipality shall not be taxed for running expenses except for the inspection and repairs of the main sewers lying within such municipality.

Payment of
bonds by sale
of additional
bonds.

SEC. 28. Whenever any sanitary district has an outstanding indebtedness evidenced by the bonds thereof, the sanitary board or other governing body thereof shall have the power at any election calling for the issuance of additional bonds for the construction of a larger or more comprehensive sewer or other sanitary system in the original district or in a sanitary district whose boundaries have been altered by the annexation of outlying contiguous territory thereto as provided for in this act, to submit to the qualified electors of such sanitary district the question of declaring all or any of such bonds to be at once due and payable, and provided for the payment or retirement thereof out of moneys to be realized from the sale of such additional bonds.

Construction
of larger
main sewer
or different
systems.

SEC. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of outlying contiguous territory, as provided for in this act, shall by order passed by a vote of two-thirds of all its members and approved by the president of the board, which order shall be entered in the

minutes, determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying contiguous territory, demands the construction of a larger main sewer or a different system, the board may call an election for the purpose of determining whether bonds shall be issued for the construction of a larger main sewer or for a system different from that already constructed for the disposal of sewage.

The proceedings in respect to the issuance of bonds for such purposes shall in every respect, except as in this section otherwise provided, conform to the requirements of sections fourteen to twenty-one inclusive of this act.

SEC. 30. The mode of nomination of election of all elective officers of such sanitary district, to be voted upon at any sanitary election, shall be as follows and not otherwise. The name of the candidate shall be printed upon the ballot, when a petition of nomination shall have been filed with the secretary of the board, when the district is already formed, or with the clerk of the board of supervisors when the election is for the purpose of forming a sanitary district, in his behalf in the manner and form as follows: The petition of nomination shall consist of not less than five nor more than twenty signatures which shall read substantially as follows:

Nomination
of elective
officers.

PETITION OF NOMINATION.

Petition of
nomination.

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

I, (or we) the undersigned certify that I do hereby join in a petition for the nomination of ----- for the office of ----- of the sanitary board of sanitary district No. ----- to be voted for at the sanitary election to be held in sanitary district No. ----- of the county of ----- on the ----- day of -----, 191--, and I further certify, that I am a qualified elector, residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above 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 office.

(Signed) -----

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

----- being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures thereto are the genuine signatures of the persons whose names are signed thereto.

Petition of
nomination.

The certificate of nomination may be upon one or more papers, which certificate must contain the name of one candidate and no more.

Each signer must be a qualified elector, residing within said district, and must not at the time of the 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 that office than there are places to be filled for that office. The certificate or certificates shall be verified under oath of one of the signers thereto, that the signature or signatures is, or are, the true and genuine signatures of the persons whose names are signed thereto.

A petition or petitions of nomination, as aforesaid, may be presented to the secretary of the sanitary board, where a sanitary district is already formed or to the county clerk, where a sanitary district has not been formed; not earlier than thirty days nor less than twenty days before the election. The secretary of the sanitary board, where a sanitary district is already formed or the county clerk, where a sanitary district has not been already formed shall endorse thereon the date upon which the petition was presented to him. When a petition of nomination is presented for filing the secretary of the sanitary board, where a sanitary district is already formed or the county clerk, where a sanitary district has not been formed shall forthwith examine the same and ascertain whether or not it conforms with the provisions of this section. If found not sufficient it shall be returned to the person who presented the same. The secretary of the sanitary board, or the county clerk, shall cause the ballots to be printed and shall contain the name of the candidates whose nomination petition or petitions have been filed as provided for herein.

Election for
reorganiza-
tion of
district
formed under
act of 1891.

SEC. 31. The sanitary board of any district heretofore organized under that certain 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 elections in such districts; the assessments, 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, may submit to the electors thereof the question whether such district shall become organized under the provisions of this act. Notice that such question will be so submitted shall be given by posting for four successive weeks prior to the election in three public places within the district, and shall be published for four successive weeks prior to the election in a newspaper printed and published in the district if there be one, and if

not, in a newspaper printed and published in the county. It shall be sufficient if the notice be published once a week. Such notice shall distinctly state the proposition to be so submitted and shall invite the electors thereof to vote upon such proposition by placing upon their ballots the words "for reorganization," or "against reorganization," or words equivalent thereto, and there shall be a voting square to the right of, and opposite each such proposition. At any time prior to the day fixed for the election the board shall select one and may select two polling places within the district and make all necessary and proper arrangements for holding the election. The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable except as herein otherwise provided. The votes so cast shall be canvassed by the sanitary board as soon as convenient after the election. If two-thirds of the votes cast at such election are in favor of reorganization then the board shall cause an entry of that vote to be made in its minutes. From and after the date of such entry the district shall be deemed to be organized under this act, with all the powers conferred herein; the persons in office at the time of such reorganization shall be entitled immediately to enter upon the duties of the like offices of the district as reorganized, and shall continue therein until the expiration of the term for which they have been elected or appointed.

Two-thirds
vote.

SEC. 32. Any sanitary district organized under the provisions of section thirty-one of this act shall, for all purposes, be deemed and taken to be in law the identical district theretofore formed and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such district, or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such district or any proceedings then pending; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or, to discharge any person from any liability, civil or criminal, then existing, for any violation of such ordinance; but such ordinances, so far as the same are in any conflict with general laws, shall be and remain in force until repealed or amended by competent authority; *provided*, that proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of this act.

Effect of
reorganiza-
tion.

CHAPTER 481.

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

[Approved May 27, 1919. In effect July 27, 1919.]

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

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

Counties of
47th class;
salaries of
officers.

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, one thousand five hundred dollars per annum; *provided*, that in counties of this class, there shall be a deputy county clerk, who shall be appointed by the county clerk, whose salary shall be, per annum, a sum not to exceed nine hundred dollars; which salary shall be fixed by said county clerk, and which said salary shall be paid by said county at the time and in the same manner and out of the same fund as the salary of the county clerk.

Sheriff.

2. The sheriff, five thousand dollars per annum and mileage for services of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for services of all processes issued from all courts outside of his county; the sheriff to pay all salaries of his deputies.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law.

Auditor.

4. The auditor, one thousand five hundred dollars per annum. The county auditor shall be allowed one deputy county auditor to be appointed by him, whose salary shall be one thousand two hundred dollars per annum.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, one thousand five hundred dollars per annum.

Assessor.

7. The assessor, two thousand one hundred dollars per annum.

District attorney.

8. The district attorney, two thousand one hundred dollars per annum.

Coroner.

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

Public administrator.

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

11. The superintendent of schools, one thousand five hundred dollars per annum. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided: In townships having a population of three thousand or more, fifty dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population under three thousand, twenty-five dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may hereafter be allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. Justices of peace.

14. Constables, such fees as are now or may be hereafter allowed by law. Constables.

15. Each member of the board of supervisors, six hundred dollars per annum; thirty cents per mile one way in attending the meetings of the board. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum. Supervisors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations, and for coroners' inquests, a monthly salary of seventy-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases a per diem of ten dollars, to be paid by the litigants as the court may direct; and for transcription of said notes, when required, the sum of fifteen cents per folio for the original, and five cents per folio for each copy thereof; said compensation for transcription in criminal cases and coroners' inquests Official reporter.

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 by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

Population
of townships.

17. Population of townships. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

CHAPTER 482.

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

[Approved May 27, 1919. In effect July 27, 1919.]

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

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

Counties of
22d class;
salaries of
officers.

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:

County clerk.

1. The county clerk, two thousand five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, one deputy, who shall be appointed by said county clerk, who shall be paid a salary of one hundred fifty dollars per month, and one deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred twenty-five dollars per month, said salaries of said deputies to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum and also all fees for service in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one deputy, who shall be appointed by said sheriff, who shall be paid a salary of one hundred fifty dollars per month, said salary to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

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, one deputy, who shall be appointed by said recorder, who shall be paid a salary of one hundred fifty dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred dollars per month and two copyists who shall be appointed by said recorder, who shall be paid a salary of ninety dollars a month each, said salaries of said deputies and of said copyists to be paid by said county, monthly, at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid. Recorder.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor, clerks and employes, who shall be appointed by said auditor, who shall be paid salaries as follows: One deputy auditor at a salary of one hundred fifty dollars per month and a sum not to exceed six hundred dollars in any one year for such additional clerk hire as may be necessary, said salaries of the clerks and employes herein provided for shall be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the auditor is paid. Auditor.

5. The treasurer, three thousand dollars per annum; and such fees as are now or may hereafter be allowed by law. Treasurer.

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one hundred fifty dollars per month, said salary to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy for the period of time between the first day of April and the thirty-first day of December, both days inclusive of each fiscal year. Said deputy to be appointed by said tax collector and shall be paid a salary of one hundred dollars per month during the period of time said deputy shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same funds as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the thirty-first day of December, both dates inclusive, in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of ninety dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that said tax collector shall be entitled to Tax collector.

receive and retain for his own use ten per centum only of all licenses collected by him.

Assessor.

7. The assessor, four thousand dollars per annum, and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred twenty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist, who shall be appointed by said assessor from the first day of February to the thirty-first day of July, inclusive, during each year. Said copyist shall be paid a salary of ninety dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; *provided, further*, that said assessor shall be entitled to receive and retain for his own use six per centum only in personal property tax collected by him as authorized by section three thousand eight hundred twenty of the Political Code of the State of California.

District attorney.

8. The district attorney three thousand dollars per annum; *provided*, that in counties of this class, the district attorney may appoint a deputy which office of deputy district attorney is hereby created; said deputy to be employed at such times and to receive such salary not to exceed the sum of one hundred fifty dollars per month as the board of supervisors may fix by resolution; *provided, further*, that said district attorney may appoint a stenographer at a salary of ninety dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

Superintendent of schools.

9. The superintendent of schools, two thousand four hundred dollars per annum and actual traveling expenses, when visiting schools of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools and who shall be paid a salary of one hundred fifty dollars 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.

Coroner.

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

Public administrator.

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

12. The surveyor, such fees as are now or may be hereafter Surveyor. allowed by law.

13. For the purpose of fixing the compensation of justices of the peace and constables according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of ten thousand or more shall belong to and be known as townships of the first class; townships having a population of less than ten thousand and more than five thousand shall belong to and be known as townships of the second class; townships having a population of less than five thousand and more than one thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand and more than nine hundred shall belong to and be known as townships of the fourth class; townships having a population of less than nine hundred shall belong to and be known as townships of the fifth class. The population of the several townships shall be determined by the board of supervisors upon the enactment of this act and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1910. Justices of the peace shall receive the following salaries: Classification of townships.

Justices of peace.

In townships of the first class the sum of one hundred fifty dollars per month;

In townships of the second class the sum of one hundred twenty-five dollars per month;

In townships of the third class the sum of thirty dollars per month;

In townships of the fourth class the sum of ten dollars per month;

In townships of the fifth class the sum of five dollars per month;

Said salaries shall be paid in the same manner, and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace of the first and second classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; *provided, further*, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at the expense of the county; *provided, further*, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said counties of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; *and provided, further*, that said rental shall not exceed in any one month the sum of fifteen dollars.

Constables.

14. Constables shall receive the following salaries:

In townships of the first class the sum of one hundred dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the second class the sum of eighty dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the third, fourth and fifth classes such fees as are now or may be hereafter allowed by law and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.

Supervisors.

15. Each member of the board of supervisors after the period beginning with the date upon which this act becomes effective and during their term of office, for which they shall have been elected seventy-five dollars per month, and ten cents per mile while traveling from his residence to the county seat, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, each member of the board of supervisors elected or appointed after this act becomes effective seventy-five 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 the distance actually traveled in the discharge of his duties as road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of education.

16. Each member of the board of education including the secretary, five dollars per day when the board is in session and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law.

Official reporter

In counties of this class, the official phonographic reporter of the superior court shall receive the sum of one hundred fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justices court in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; *provided*, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party. The salary of the reporter shall be paid out of the county treasury in the same manner as other county officers are paid.

CHAPTER 483.

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

[Approved May 27, 1910. In effect July 27, 1910.]

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

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

4241. In counties of the twelfth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries: Counties of 12th class, salaries of officers.

1. The county clerk, four thousand dollars per annum, one chief deputy to act as clerk of the board of supervisors at one thousand eight hundred dollars per annum, and also one deputy to act as courtroom clerk at one thousand two hundred dollars per annum. The county clerk shall also have for use in his office, and under his supervision and control, two stenographers, and each of said stenographers shall receive a salary of seventy-five dollars per month, to be paid in the same manner and out of the same fund as the salaries of county officers are paid. The said positions of stenographers shall be filled by the county clerk in the same manner as deputies are appointed by him. The county clerk shall also receive ten cents per name of each elector entered upon the great register of the county, and also such fees as may be allowed by law for issuing hunting and fishing licenses, and all naturalization fees allowed to the clerk by the naturalization laws of the United States. In any county of this class where an additional deputy clerk has been allowed on account of an increase in the number of departments of the superior court in and for said county since the year 1910, the deputy herein provided for to act as courtroom clerk shall take the place of, and perform the duties of such additional deputy so allowed on account of an increase in the number of departments of the superior court. County clerk.

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 necessarily traveled in the performance of such duty within the county, and at the rate of ten cents per mile, one way only, for every mile necessarily traveled in the performance of such duty outside of the county. He shall have a deputy at a salary of one thousand five hundred dollars per annum. Sheriff.

In any county of this class where an additional deputy sheriff has been allowed on account of an increase in the number of departments of the superior court in and for said county since the year 1910, the deputy herein provided for

Sheriff. shall take the place of and perform the duties of such additional deputy so allowed on account of an increase in the number of departments of the superior court. The sheriff shall also have for use in his office, and under his supervision and control, one stenographer, and said stenographer shall receive a salary of seventy-five dollars per month, to be paid in the same manner and out of the same fund as the salaries of county officers are paid. The said position of stenographer shall be filled by the sheriff in the same manner as deputies are appointed by him. Whenever any female prisoner or prisoners are in custody in the county jail of counties of this class, the sheriff of said county is hereby authorized and empowered, immediately upon such prisoner or prisoners being brought to the jail, to employ a matron, and to retain such matron in employment at the county jail so long as any female prisoner is in custody therein. Said matron shall perform the duties prescribed for matrons of the county jail in section four thousand two hundred twenty-six of the Political Code, and shall have the same rights and authority as are prescribed in said section for matrons of the county jail. For each and every day that said matron is actually employed, she shall receive a salary of three dollars, payable upon the presentation of a proper claim therefor, presented to and allowed by the board of supervisors.

Recorder. 3. The county recorder, two thousand dollars per annum, and one deputy at one thousand five hundred dollars per annum; and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

Auditor. 4. The county auditor, two thousand four hundred dollars per annum, and two deputies each to receive one thousand five hundred dollars per annum. In addition to said deputies, the county auditor shall have the right to employ from time to time in his office, such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary of three dollars each, for each day that they are actually and necessarily employed, and such salary shall be paid out of the general fund of the county upon proper claims presented therefor to the board of supervisors; *provided, however,* that the total amount to be paid such assistants shall not exceed three hundred dollars in any one year.

Treasurer. 5. The county treasurer, two thousand four hundred dollars per annum, and one deputy at one thousand five hundred dollars per annum.

Tax collector. 6. The tax collector, two thousand four hundred dollars per annum, and one deputy at one thousand five hundred dollars per annum. The tax collector shall also have for use in his office, and under his supervision and control, one stenographer, and said stenographer shall receive a salary of seventy-five

dollars per month, to be paid in the same manner and out of the same fund as the salaries of county officers are paid. The said position of stenographer shall be filled by the tax collector in the same manner as deputies are appointed by him. The tax collector shall also have ten clerks at seventy-five dollars per month each for not to exceed two months during each and every year. In addition to said deputy and said clerks, the tax collector shall have the right to employ from time to time in his office, such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary of three dollars each, for each day that they are actually and necessarily employed and such salary shall be paid out of the general fund of the county upon proper claims presented therefor to the board of supervisors; *provided, however,* that the total amount to be paid such assistants shall not exceed three hundred dollars in any one year.

7. The county assessor, two thousand four hundred dollars Assessor. per annum, a chief deputy at one thousand five hundred dollars per annum, and fifteen field deputies for the months of March, April, May and June of each year, each of which field deputies shall receive a salary of five dollars per day for each day actually employed in the performance of his duties. He shall also have two clerks for the months of January, February, March, April, May and June of each year at a salary of seventy-five dollars per month each, and one index clerk for the months of January, February, March, April, May and June of each year at a salary of seventy-five dollars per month. He shall also have for use in his office, and under his supervision and control, a draftsman, which office of draftsman is hereby by the terms of this act expressly created. It shall be the duty of said draftsman to prepare, under the supervision of the assessor for use in said office, proper books, blanks and plat books. Said position of draftsman shall be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman shall receive a salary of one thousand five hundred dollars per annum, to be paid in the same manner as the salaries of county officers are paid.

8. The district attorney, three thousand dollars per annum. District attorney. He shall have one deputy at a salary of two thousand four hundred dollars per annum, and one deputy at a salary of two thousand one hundred dollars per annum; and he shall also have for use in his office, and under his supervision and control, a stenographer, which office of stenographer is hereby by the terms of this act, expressly created. The said position of stenographer shall be filled by the district attorney in the same manner as deputies are appointed by him, and said stenographer shall receive a salary of one hundred dollars per month, to be paid in the same manner as the salaries of county officers are paid.

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

Public ad-
ministrator.

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

Superintend-
ent of
schools.

11. The superintendent of schools, for full services, including his duties with and on the county board of education, two thousand five hundred dollars per annum, and actual traveling expenses when visiting schools of his county. He shall have a first deputy at a salary of one thousand eight hundred dollars per annum and a second deputy at a salary of one thousand two hundred dollars per annum, said first deputy to be a qualified teacher capable of doing either field or office work.

Surveyor.

12. The county surveyor shall receive a salary of two thousand dollars per annum, and he shall be allowed one deputy at a salary of one thousand five hundred dollars per annum. The county surveyor shall be allowed all necessary traveling and field expenses of self and chainmen or other help in the field. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help; *provided, however*, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment. The salaries and expenses of such inspectors or field or office help shall be paid out of the county general fund upon proper claims presented therefor to the board of supervisors. In any county of this class where bonds have been or shall hereafter be issued under the provisions of section four thousand eighty-eight of the Political Code for the construction of roads, bridges or highways, the board of supervisors may at any time during the planning, laying out or construction of such roads, bridges or highways, employ all necessary inspectors and field or office help to assist the surveyor in planning, laying out or constructing such roads, bridges and highways. All inspectors and field or office help so employed by the board of supervisors, shall work under the supervision of the surveyor, and board of supervisors, and shall not be employed longer than is necessary to actually complete the roads, bridges or highways constructed with funds created by such bond issue. The salaries of all persons so employed by the board of supervisors as such inspectors or field or office help, shall be prescribed by the said board, and all such salaries, together with the field expenses of all such inspectors or field or office help, shall be paid out of the fund created by such issue of bonds upon proper claims presented therefor to the board of supervisors.

Justices
of peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: In townships having a population of three thousand or more, one hundred dollars per month. In townships having a population of not less than two thousand and under three thousand, fifty dollars per month. In townships having a population of not less than

one thousand and under two thousand, forty dollars per month. In townships having a population of less than one thousand, thirty dollars per month; *provided, however*, that in townships having a population of six thousand or more, no person other than a duly qualified attorney at law shall be eligible to the office of justice of the peace and shall be allowed the services of a clerk at fifty dollars per month. Said salaries enumerated in this paragraph shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases. All such fees as are allowed by law in civil cases shall be paid by all justices into the county treasury in the same manner as the fees of county officers are paid. It is hereby found as a fact that as to all townships having a population of less than three thousand the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

14. Constables shall receive the following monthly salaries, Constables. to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: In townships having a population of more than three thousand, eighty dollars per month. In townships having a population of not less than two thousand and under three thousand, sixty dollars per month. In townships having a population of not less than one thousand and under two thousand, forty dollars per month. In townships having a population of less than one thousand, twenty-five dollars per month. All such fees as are now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury in the same manner as the fees of county officers are paid. It is hereby found as a fact that the changes in salaries of constables do not work an increase in compensation and the same shall apply immediately to incumbents. In addition to the monthly salary allowed herein, each constable shall be allowed ten cents per mile, for each mile necessarily traveled in the execution of all criminal process within the county, and ten cents per mile, one way only, for each mile necessarily traveled in the execution of all criminal process outside the county. In addition, each constable shall be allowed all expenses necessarily and actually incurred by him in transporting prisoners to court, and to prison, and all expenses necessarily and actually incurred by him in executing all process in civil cases.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing all business, both civil and criminal, done during the preceding month, with the board of supervisors, and he shall file the same on or before said date above mentioned, with the clerk of said board. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases the places were Statements
of con-
stables and
justices.

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.

Population
of townships.

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.

17. Each supervisor, one thousand five hundred dollars per annum, for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed eighty dollars for any one month.

License fees.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

CHAPTER 484.

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

[Approved May 27, 1919. In effect July 27, 1919.]

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

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

Counties of
7th class;
salaries of
officers.

4236. In counties of the seventh class the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office the following salaries:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of two thousand dollars per annum; one registration clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; four 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 three hundred fifty dollars per annum; one index clerk who shall receive a salary of one thousand two hundred dollars per annum; one stenographer who shall receive a salary of one thousand twenty dollars per annum; one copyist who shall receive a salary of one thousand twenty dollars per annum; and a deputy or deputies, not to

exceed five, for the purpose of registering electors, to be paid not to exceed three 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 January and the fifteenth day of November of said year, and not more than one deputy for each precinct for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants during said year of the general election, who shall be paid ten 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 the other county officials are paid.

2. The sheriff, three thousand six hundred dollars per ^{Sheriff.} annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one under sheriff, whose salary is hereby fixed at the sum of two thousand dollars per annum, and the following deputies and employees: One deputy who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; one deputy who shall receive a salary of one thousand twenty dollars per annum; two deputies who shall receive a salary of one thousand five hundred dollars each per annum; four deputies who shall receive salaries of one thousand two hundred dollars each, per annum; one stenographer who shall receive a salary of one thousand twenty dollars per annum; one bookkeeper who shall receive a salary of one thousand two hundred dollars per annum; six deputies who shall be turnkeys at the jail, whose salaries shall be one thousand twenty dollars each, per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; such county deputies as may be necessary at such compensation as the sheriff shall determine, but not more than two thousand four hundred dollars shall be paid to all such deputies in any one year. In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive a salary of one thousand two hundred dollars per annum, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff. In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals, or for transacting criminal business, and paid as other county charges are paid. In counties of this class the sheriff shall not be allowed to retain for his own use any fees or mileage for the service of

any process issued out of any court of this county but such fees and mileage when collected shall be paid into the county treasury.

Recorder.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy who shall receive one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; two deputies who shall receive salaries of one thousand two hundred dollars each per annum; and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording all instruments or notices except maps and plats, and for copies of any records, five cents per folio.

Auditor.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of one thousand nine hundred fifty dollars per annum; one deputy who shall receive a salary of one thousand six hundred eighty dollars per annum; one deputy who shall receive a salary of one thousand three hundred fifty dollars per annum; one deputy who shall receive a salary of one thousand twenty dollars per annum; five additional deputies at a salary of four dollars per day each, for each day employed for a period not to exceed one hundred fifty-six days in any one year.

Treasurer.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy who shall receive a salary of two thousand one hundred dollars per annum. The salary of the treasurer hereinabove provided shall be in full compensation for all services rendered, and the fees heretofore chargeable and collected by him for returning to the state the collateral inheritance tax and for the performance of his official duties in connection therewith shall be paid into the county treasury and be the property of said county; and said treasurer shall receive no fees, compensation or commissions of any kind or character for any service rendered by him in connection with said collateral inheritance tax.

Tax collector.

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

7. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand six hundred fifty dollars per annum; one deputy who shall receive a salary of one thousand three hundred fifty dollars per annum; two deputies for a period not exceeding six months in any one year at salaries of one hundred dollars per month each; one deputy for a period not exceeding five months in any one year at a salary of one hundred dollars per month; four deputies for a period not exceeding four months in any one year, at salaries of one hundred dollars each per month; one stenographer who shall receive a salary of one thousand twenty dollars per annum; six deputies for a period not exceeding one hundred four days each fourth year, whose per diem shall be four dollars each when actually employed. It is further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred one of the Political Code. It is further provided that in counties of this class, in addition to the deputies already allowed, there shall be and is hereby allowed to the assessor, five deputies who shall receive salaries of five dollars per day each and twenty-one deputies who shall receive salaries of four dollars per day each, for a period not exceeding seventy-eight days in any one year.

8. The district attorney, four thousand dollars per annum; also one assistant district attorney, who shall receive a salary of three thousand dollars per annum; two deputy district attorneys who shall receive salaries of two thousand five hundred dollars each per annum; one deputy district attorney who shall receive a salary of two thousand dollars per annum; two stenographers who shall receive salaries of one thousand two hundred dollars each, per annum; and a detective who shall receive a salary of one thousand six hundred fifty dollars per annum. Neither the district attorney nor any of his deputies shall engage in private practice of law.

9. The superintendent of public schools, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the superintendent of public schools one assistant superintendent who shall receive a salary of one thousand eight hundred dollars per annum; and one bookkeeper who shall receive a salary of one thousand two hundred dollars per annum. In counties of this class the secretary of the county board of education shall not be paid or allowed to receive any compensation whatever for his services as secretary of such board, nor for any services rendered in connection therewith; *and provided, further*, that

in counties of this class, the county school superintendent shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county not to exceed the sum of five dollars per district in any one school year, the claims for such expenses to be subject to the approval of the board of supervisors.

Public ad-
ministrator.

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

Coroner.

11. The coroner, one thousand five hundred dollars, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties, not to exceed the sum of five hundred dollars in any one calendar year. In counties of this class there shall be and there is hereby allowed the coroner, one assistant coroner, who shall receive a salary of one thousand two hundred dollars per annum, who shall also act as autopsy surgeon. The sheriff shall act as summoning officer for the coroner and shall serve all processes requested by him.

Surveyor.

12. The surveyor, three thousand dollars per annum, also two deputies who shall receive salaries of one thousand eight hundred dollars per annum each; and such other assistants as may be necessary for field work, who shall receive a compensation of four dollars per diem and expenses, when working in the field.

Classification
of townships.

13. For the purpose of regulating the compensation of the justices of the peace and constables, townships in counties of this class are hereby classified as follows: Townships having a population of thirty thousand or more shall belong to and be known as townships of the first class; townships having a population less than thirty thousand shall belong to and be known as townships of the second class.

Justices
of peace.

14. In counties of this class justices of the peace shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class, three thousand dollars per annum each.

In townships of the second class, six hundred dollars per annum.

Such salaries shall be as full compensation for all services rendered by them in both civil and criminal cases. All fees chargeable and collectible by justices of the peace in civil and criminal cases for service rendered by them shall be paid monthly into the county treasury.

In townships of the first class the board of supervisors of counties of this class shall furnish the justices of the peace suitable courtrooms.

In townships of the first class, in counties of this class, there shall be two justices of the peace and the said offices are hereby created. In all other townships in counties of this class there shall be one justice of the peace.

15. In counties of this class constables shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz: Constables.

In townships of the first class in all criminal cases in lieu of fees now allowed by law one thousand two hundred dollars per annum.

In townships of the second class in all criminal cases in lieu of fees now allowed by law six hundred dollars per annum.

In all townships in counties of this class the constables shall be allowed in addition to the compensation above set forth all fees in civil cases as are now or may hereafter be allowed by law, and actual traveling expenses only in lieu of mileage for taking prisoners to the county jail.

In townships of the first class, in counties of this class the board of supervisors shall furnish the constables' offices and with necessary and proper furniture for each of said constables.

16. Each member of the board of supervisors, two thousand dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. This shall cover all his services as supervisor and road commissioner. Supervisors.

17. The deputies, clerks, copyists and employes mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies, clerks, copyists and employes 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. Deputies,
etc.

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

CHAPTER 485.

An act to amend section four thousand two hundred forty-nine of the Political Code, relating to county officers and their salaries and deputies; to township officers and their compensation in counties of the twentieth class.

[Approved May 3, 1919. In effect July 22, 1919.]

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

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

Counties of
20th class;
salaries of
officers.

4249. In counties of the twentieth class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees, to wit:

County clerk.

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. He may appoint one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; and one deputy who shall be a stenographer, at a salary of one thousand two hundred dollars per annum; and during any year when an official primary election is held in the county, he may appoint one additional deputy, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies, clerks and stenographer herein provided for shall be paid by the county at the same time and in the same manner and out of the same fund as the county clerk is paid. In any year when a new registration of voters is required by law, he may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him. Said compensation to be paid out of the general fund of the county, on the presentation and filing with the board of supervisors of the county, of a duly verified claim therefor, approved by the county clerk. On and after January 6, 1919, all fees, commissions and perquisites from whatever source received and collected by the county clerk, except the said sum of ten cents per name received by him for each person registered, shall be paid into the county treasury, and shall belong to the county.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum; *provided*, there shall be and there hereby is allowed

to the sheriff the following deputies, which offices are hereby Sheriff.
created, who shall be appointed by the sheriff, and shall be
paid salaries as follows: one chief deputy at a salary of one
hundred fifty dollars per month, one deputy at a salary of
one hundred twenty-five dollars per month, and one deputy
to act as jailer at a salary of one hundred twenty-five dol-
lars per month. The salaries of the deputies and employees
herein provided for shall be paid by the county in monthly
installments at the same time and in the same manner and out
of the same funds as the salary of the sheriff is paid. In
criminal cases, and actions in which the county is interested,
the sheriff shall receive only actual expenses incurred and no
more. All claims against the county shall be itemized and
sworn to by the sheriff or chief deputy, and filed with the
board of supervisors monthly before the tenth day of each
month. Expense accounts to be sworn to and filed as separate
claims. A monthly statement of all fees collected from what-
ever source derived, duly subscribed and sworn to by the
sheriff or chief deputy shall be filed with the county treasurer
on or before the tenth day of each month. The board of
supervisors may allow the sheriff a sum not to exceed thirty-
seven and one-half cents per day for feeding each prisoner
committed to his custody. Prisoners shall be fed three meals
each day. The changes in this subdivision made shall apply
to the incumbent and shall be in lieu of all fees, commissions,
and mileage.

3. The recorder, three thousand five hundred dollars per Recorder.
annum; and said recorder may appoint two deputy recorders,
one of whom shall receive a salary of one thousand five hun-
dred dollars per annum, and one who shall receive a salary of
nine hundred dollars per annum. He may appoint such copy-
ists as may be required for the recording of all papers, notices
or documents in his office, except maps or plats, who shall
receive for their services the sum of six cents per folio; and for
copies of any paper or record six cents per folio. The salaries
and compensation of all deputies and copyists herein provided
for shall be paid by the county in monthly installments out of
the same fund as the recorder is paid. All fees, commissions
and perquisites collected by the recorder, from whatever source
received, shall be paid into the county treasury. The recorder
shall file monthly, on or before the tenth day of each month,
with the county auditor, a verified statement showing in detail
the fees received by him, and the amounts paid to copyists or
other employees in his office, and the names of the persons to
whom the same were paid.

4. The auditor, three thousand dollars per annum. He may Auditor.
appoint one deputy, who shall receive a salary of one thou-
sand eight hundred dollars per annum; and one clerk at a
salary of one hundred dollars per month; and one copyist
for the months of September and October in each year, at a
salary of one hundred dollars per month. The deputy, clerk
and copyist herein provided for shall be paid by the county in

monthly installments in the same manner and out of the same fund as the auditor is paid.

Treasurer.
Tax
collector.

5. The treasurer, three thousand dollars per annum.

6. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one thousand five hundred dollars per annum; and four clerks, for four months in each year, at a salary of sixty dollars per month; he may also appoint one copyist, at a salary of sixty dollars per month for four months, and three indexers, at a salary of seventy-five dollars each per month for four months in each year, whose duty it shall be to compile an index to the assessment rolls of the county, and of each sanitary district, said index to be a public record, and to be kept in the office of the tax collector for public use. Said deputy, clerks and indexers to be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid. All fees, perquisites and commissions from whatever source derived, collected by the tax collector, shall be paid into the county treasury, and shall belong to the county.

Assessor.

7. The assessor, four thousand dollars per annum. In counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor at a salary of one thousand five hundred dollars per annum; one deputy assessor at a salary of one hundred dollars per month; and such additional field deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks who receive a per diem shall not exceed the sum of three thousand dollars per annum. Said additional deputies and clerks to be paid by the county on the presentation and filing with the board of supervisors of duly verified claims, showing the services rendered, approved by the assessor. The salaries of all deputies, clerks and employees shall be paid by the county, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive no compensation or commissions for the collection of personal property taxes, or compiling the military roll, and all commissions, perquisites and fees from whatever source received, collected by him, shall be paid into the county treasury, and shall belong to the county. The changes herein made are intended to place the office of the assessor on a fixed salary basis, in lieu of the assessor's present compensation, fees and commissions allowed him by law, and shall apply to the incumbent.

District
attorney.

8. The district attorney, three thousand dollars per annum; and said district attorney may appoint a stenographer, which

office is hereby created, who shall receive a salary of seventy-five dollars per month; *provided, however*, that such stenographer shall receive a salary of one hundred dollars per month in case such stenographer shall perform all the services required in the county as official reporter in all preliminary hearings in felony cases. Said stenographer shall be paid by the county at the same time and in the same manner and out of the same fund as the district attorney is paid. The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision two of section four thousand three hundred seven of the Political Code.

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

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

11. The superintendent of schools, two thousand seven hundred dollars per annum. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. Superintendent of schools.

12. The surveyor shall receive two thousand four 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. Whenever the surveyor is directed by the board of supervisors or assessor to plat, trace or otherwise prepare maps, plats or block-books for the use of the county assessor or said board, he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them, and of all fees. In townships having a population of three thousand five hundred or more, one hundred dollars per month. In townships having a population of not less than one thousand five hundred and not more than three thousand five hundred, seventy-five dollars per month. In all townships having a population less than one thousand five hundred, forty dollars per month. All fees collected by justices of the peace shall be paid into the county treasury, and shall belong to the county. The provisions of this subdivision shall apply to the incumbents. Justices of peace.

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, one hundred ten dollars per month; in townships having a population of not less than one Constables.

thousand five hundred nor more than three thousand five hundred, one hundred dollars per month; in all townships having a population of less than one thousand five hundred, sixty 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.

Board of
education.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred seventy of this code.

Supervisors.

16. Each supervisor, one thousand five 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. The changes as to salary made in this subdivision shall not apply to incumbents.

Expenses of
justices
of peace.

17. In townships having a population of three thousand five hundred or more, justices of the peace shall be allowed for their office rent, and expenses, the sum of forty dollars each per month, in addition to the monthly salaries herein allowed. In townships having a population of less than three thousand five hundred, justices of the peace shall be allowed for their office rent, and expenses the sum of twenty-five dollars each per month in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly, all fees and fines collected by him; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him. The auditor

must withhold warrants for salary and office rent until a sworn statement has been filed with him, of all cases tried, and fees and fines collected; and the same are paid into the county treasury. No justice of the peace shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted to him for decision for a period of thirty days; said affidavit to be filed with the auditor of the county.

18. In counties of this class, grand jurors and trial jurors ^{Jurors.} in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

19. In counties of this class there shall be appointed by ^{Jail matron.} the sheriff a suitable woman as jail matron, who shall have care of female prisoners confined in the county jail. She shall be paid a salary of fifty dollars per month, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid.

20. The changes made in this act shall apply to the incumbents ^{Application.} unless otherwise herein provided.

CHAPTER 486.

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

[Approved May 27, 1919. In effect July 27, 1919.]

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

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

4245. In counties of the sixteenth class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries: ^{Counties of 16th class; salaries of officers.}

1. The county clerk, three thousand six hundred dollars ^{County clerk.} per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk the following clerks, deputies, and employees who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of one hundred fifty dollars per month; two courtroom deputies at a salary of one hundred fifty dollars each

County
clerk.

per month; one office deputy at a salary of one hundred twenty-five dollars per month; one stenographer at a salary of one hundred dollars per month; one copyist at a salary of ninety dollars per month; *provided, further*, that in any year the compilation of a registration of voters is required by law, or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters and making supplements thereto and work incident to elections, the sum of five cents for each name registered, to be paid upon the filing and presentation of duly verified claims therefor, by the county clerk with the board of supervisors of said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him, said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks, and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of such claims by the board of supervisors of said county.

Sheriff.

2. The sheriff, five thousand dollars per annum. All mileage for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile twelve and one-half cents per mile. The sum of not less than thirty-seven and one-half cents per day shall be allowed by the board of supervisors for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff, the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One undersheriff at a salary of one hundred seventy-five dollars per month; one chief deputy sheriff for the office at a salary of one hundred fifty dollars per month; one deputy sheriff to act as jailor at a salary of one hundred thirty-five dollars per month; two deputy sheriffs to act as bailiffs at a salary of one hundred twenty-five dollars per month each; one stenographer to the sheriff at a salary of one hundred dollars per month; one office stenographer to the sheriff at a salary of seventy dollars per month. The salaries of the deputies, clerks and

employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, three thousand two hundred fifty dollars Recorder. per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred fifty dollars per month; one deputy at a salary of one hundred twenty-five dollars per month; two index clerks, at a salary of one hundred dollars each per month; three copyists at a salary of one hundred dollars each per month; and one copyist, at such times as in the judgment of the county recorder is necessary, at a salary of seventy-five dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand two hundred fifty dollars Auditor. 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 employees, who shall be appointed by the county auditor, and shall be paid salaries as follows: One deputy auditor at a salary of one hundred fifty dollars per month; one deputy auditor who shall be a qualified accountant, to act as chief accountant; *provided*, that the uniform system of accounting as devised by the state board of control is installed by said county and continuously employed therein who shall receive a salary of one hundred fifty dollars per month; *and provided*, that if said uniform system of accounting is not installed, or not continuously employed, that said deputy shall not be appointed; and such clerks and employees as the auditor may deem necessary and appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employees shall not exceed the sum of nine hundred dollars per annum; the salary of the deputies herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; *provided, further*, that such clerks and employees be paid for their services on the presentation and filing with the board of supervisors of said county their duly verified claims therefor.

5. The treasurer, three thousand two hundred fifty dollars Treasurer. per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of one hundred twenty-five dollars per month, said salary to be paid in monthly installments, at the same time and in the same manner and out of the same fund

as the salary of the treasurer is paid; *provided, however*, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

Tax
collector.

6. The tax collector, three thousand two hundred fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of one hundred fifty dollars per month; one deputy tax collector at a salary of one hundred twenty-five dollars per month; one stenographer to the tax collector at a salary of one hundred dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed three and one-half dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of one thousand seven hundred dollars per annum; one index clerk to be paid not to exceed one cent for each separate assessment appearing on the rolls each year; such copyists and index clerks to be paid for their services on the presentation and filing with the board of supervisors of said county their duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and said index clerk shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

District
attorney.

7. The district attorney, three thousand two hundred fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: One chief deputy district attorney at a salary of two hundred dollars per month; one deputy district attorney at a salary of one hundred fifty dollars per month; and one stenographer to the district attorney at a salary of one hundred fifteen dollars per month. The salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney shall be allowed twelve and one-half cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile; and his actual traveling expenses when he travels by rail.

8. The superintendent of schools, three thousand two hundred fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of one hundred twenty-five dollars per month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination, to be transmitted by the superintendent of schools to each trustee of all districts so examined. Said field deputy shall receive a salary of two hundred dollars per month, and his actual and necessary traveling expenses while engaged in performing the duties of his office under the direction of the superintendent of schools; one deputy superintendent of schools, who shall be a registered nurse, to be appointed by the superintendent of schools, and who shall receive a salary of one hundred dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Superintendent of schools.

9. The assessor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees who shall be appointed by the assessor, and shall be paid salaries as follows: Three deputy assessors at a salary of one hundred fifty dollars per month each; three field deputy assessors to hold office during not to exceed five months each in any one year, at a salary of one hundred twenty-five dollars per month each; one transfer deputy at a salary of one hundred dollars per month; one stenographer at a salary of one hundred dollars per month; and such additional deputy assessors and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed the sum of two thousand dollars per annum: said additional deputies and clerks to be paid for their services on the presentation and filing with the board of supervisors of said county duly verified claims therefor. The salaries of the deputies, clerks and employees, herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors, at a salary not to exceed five dollars per day, shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall

Assessor.

receive no compensation or commission for collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

Coroner.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class there shall be and there hereby is allowed to the county coroner one stenographer to the coroner whose duty it shall be to act as reporter, and take down in shorthand, and transcribe into longhand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred dollars per month; which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of duly verified claims therefor with the board of supervisors of said county. All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law.

Public administrator.

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

Surveyor.

12. The surveyor, three thousand two hundred fifty dollars per annum and in addition thereto he shall by and with the approval of the board of supervisors be allowed his actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties; and shall have such field and office assistants, as he may need by and with the approval of the board of supervisors, to be paid as follows: Assistant surveyors at not to exceed seven dollars per day, office and transit men at not to exceed seven dollars per day and chain men at not to exceed four dollars per day. The compensation of the employees and assistants to the surveyor herein provided for shall be paid by the county upon the presentation and filing with the board of supervisors of said county duly verified claims therefor.

Justices of peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of ten thousand or more, one hundred seventy-five dollars per month; (2) in townships having a population of three thousand or more, one hundred dollars per month; (3) in townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month; (4) in townships having a population of two thousand or more and less than two thousand five hundred, forty-five dollars a

month; (5) in townships having a population of one thousand two hundred or more and less than two thousand, forty dollars a month; (6) in townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month; (7) in townships having a population of four hundred fifty or more and less than one thousand, fifteen dollars a month; (8) in townships having a population of less than four hundred fifty, five dollars per month. Each justice must pay into the county once a month, all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary herein, each justice may receive as expenses for maintaining his office such sum as may be necessary not to exceed twenty per cent of the amount allowed him as salary.

14. Constables shall receive the following salaries to be paid Constables. each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred twenty-five dollars a month; (2) in townships having a population of two thousand five hundred or more and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand or more and less than two thousand five hundred, seventy-seven and one-half dollars a month; (4) in townships having a population of one thousand two hundred or more and less than two thousand, seventy-five dollars a month; (5) in townships having a population of one thousand or more and less than one thousand, two hundred thirty-five dollars a month; (6) in townships having a population of four hundred fifty or more and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred, fifty-five dollars a month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for services of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning of a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or more may receive

as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

Population
of townships.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of September, 1917, and in the month of September every four years thereafter.

Supervisors.

16. Each member of the board of supervisors one thousand five hundred dollars per annum for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive as expenses, as supervisor and road commissioner not to exceed twenty cents per mile each way for traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as road commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

Bonds of
officers.

21. The bonds of county officers, their assistants, deputies and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund.

Expenses.

22. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered on the first day of each month for the expenses incurred within the previous month. For traveling necessarily done by automobile an officer shall be allowed mileage at the rate of twelve and one-half cents per mile without any constructive mileage, except as herein otherwise provided.

CHAPTER 487.

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

[Approved May 27, 1919. In effect July 27, 1919.]

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

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

Counties of
4th class;
salaries of
officers.

4233. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy

county clerk who shall act as clerk of the probate department, who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of one thousand seven hundred forty dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of one thousand eight hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of one thousand six hundred twenty dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of one thousand five hundred dollars per annum; *provided, however,* that the county clerk shall not be allowed the additional deputy provided by section four thousand two hundred ninety of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of one thousand two hundred dollars per annum; also one deputy county clerk who shall be "copyist in the probate department," who shall receive a salary of one thousand two hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerks; *provided, further,* that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred dollars per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of eight months who shall each receive a salary of one hundred dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred dollars per month, to be paid as are other deputies herein provided for; also one additional deputy in each voting precinct in the county, outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, for the purpose of registering electors in such precincts, who shall be paid ten cents per name for each elector legally registered by them; *provided,* that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff, four thousand dollars per annum; *provided,* that there shall be and there hereby is allowed to the sheriff

Sheriff.

one under-sheriff whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; also nine deputies who shall each receive a salary of one thousand five hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand twenty dollars per annum. Also two deputies for a period of five months each year during the season of fruit harvesting who shall be competent to act as motor patrolmen, and who shall each receive a salary of one hundred twenty-five dollars per month. The under-sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

Recorder.

3. The county recorder, three thousand six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum; also three deputy recorders who shall each receive a salary of one thousand two hundred dollars per annum; also six deputies who shall each receive one thousand twenty dollars per annum. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor.

4. The county auditor, three thousand six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum; also one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum; also two additional deputies for a period of six months in each year who shall each receive a salary of one hundred dollars per month; *provided*, that for the purpose of performing the work imposed upon him in connection with the annual assessment and collection of property taxes, the auditor may be allowed six additional deputies for a period of one month who shall each receive a salary of one hundred dollars per month and five additional deputies for a period of two 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, three thousand six hundred dollars Treasurer. per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of one thousand eight hundred dollars per annum. The premium on the bond of said deputy treasurer shall be paid by the county. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of two hundred 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, three thousand six hundred dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of one thousand eight hundred dollars per annum; three additional deputy tax collectors who shall receive a salary of one thousand five hundred dollars per annum; also twelve additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred dollars each per month; also three additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred dollars each per month; also eleven copyists who shall serve only during one and one-half months of each year, and shall each receive a salary of one hundred dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived. Tax collector.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of one thousand five hundred dollars per annum. License collector.

8. The county assessor, three thousand six hundred dollars Assessor. per annum, and said assessor may appoint one chief deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; one supervising deputy assessor who shall receive a salary of one thousand six hundred dollars per

Assessor.

annum; one office deputy assessor who shall receive a salary of one thousand five hundred dollars per annum; one searcher of records and office deputy to serve as such at a salary of one thousand five hundred dollars per annum; also twenty deputy assessors who shall serve as such during the months of March, April, May, and June of each year who shall each receive a salary of one hundred twenty-five dollars per month; two deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred dollars each per month; four deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred dollars each per month; two copyists who shall each receive a salary of one thousand two hundred dollars per annum; and also six copyists to serve as such only during four months of each year who shall receive a salary of one hundred 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 official duties.

District attorney.

9. The district attorney, three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand seven hundred dollars per annum; one assistant district attorney at a salary of two thousand one hundred dollars per annum; one assistant district attorney at a salary of one thousand eight hundred dollars per annum; and a deputy district attorney at a salary of one thousand eight hundred dollars per annum; one detective who shall serve at a salary of one thousand five hundred dollars per annum; *provided, however*, that no further or additional amounts shall be allowed for detective services without the previous consent and authority of the board of supervisors, and a clerk at a salary of one thousand two 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.

Coroner and public administrator.

10. The coroner and public administrator such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; *provided*, that said deputy coroner shall receive only such fees as the coroner would receive if acting.

Superintendent of schools.

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 one thousand five hundred dollars per annum, and one deputy superintendent of schools who shall receive one thousand two hundred dollars per annum; and the said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the manner and out of the same fund as is the superintendent of schools.

12. The county surveyor, the sum of three thousand six hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy who shall receive a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand three hundred eighty dollars per annum; one deputy at a salary of one thousand three hundred twenty dollars per annum and one deputy at a salary of one thousand two hundred dollars per annum who shall be a draftsman whose duties shall include the preparation of maps for the county assessor; and one deputy at 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 surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

13. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed six hundred dollars for any one year.

14. The board of supervisors may at any time grant such additional assistance, or pay for such additional employees or service as it deems necessary to perform any service required by or in connection with any of the foregoing county offices in counties of this class.

15. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided;

Justices
of peace.

provided, however, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, and said justices of the peace shall each be allowed a clerk to be appointed by such justice of the peace at a salary of one hundred twenty-five dollars per month, each, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

(2) In townships having a population of five thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of four thousand four hundred and less than five thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of two thousand five hundred and less than four thousand four hundred, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them except as hereinafter provided.

(5) In townships having a population of two thousand two hundred fifty and less than two thousand five hundred, justices of the peace shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury.

(6) In townships having a population of one thousand and less than two thousand five hundred, justices of the peace shall each receive a salary of fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(7) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the fourth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month.

Constables.

16. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases

and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law. Constables.

(2) In townships having a population of five thousand and less than twenty thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of four thousand four hundred and less than five thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(4) In townships having a population of two thousand five hundred and less than four thousand four hundred, constables shall each receive the sum of sixty dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable at law.

(5) In townships having a population of two thousand two hundred fifty and less than two thousand five hundred, constables shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury.

(6) In townships having a population of one thousand and less than two thousand two hundred fifty, constables shall each receive the sum of forty dollars per month as salary for all services rendered in criminal cases. All fees collected by them in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of less than one thousand, constables shall each receive the sum of thirty dollars per month as a salary for all services rendered by them in criminal cases. All fees collected by them in criminal cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

Population
of townships.

The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1910; *provided, however*, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon, the same shall be known and shall be the official census of said township or townships.

Supervisors.

17. Each supervisor, two thousand four 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 the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year; *provided*, that nothing in this subdivision shall be deemed to affect the compensation or mileage of any incumbent supervisor, but said incumbent shall be paid such compensation and allowed such mileage as is now provided and allowed by law.

Jurors.

18. 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 three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general

fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

CHAPTER 488.

An act to amend section four thousand two hundred seventy-nine of the Political Code, relating to salaries of county officers in counties of the fiftieth class.

[Approved May 27, 1919. In effect July 27, 1919.]

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

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

4279. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Counties of 50th class; salaries of officers.

1. The county clerk, one thousand eight hundred dollars per annum and such fees as he may be by law allowed to retain; *and provided*, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk. County clerk.

2. The sheriff, two thousand four hundred dollars per annum, and the fees or commissions for the services of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county. Sheriff.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that when the amount of fees collected by said recorder in any month shall exceed the sum of one hundred dollars, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars collected by him in such month. Recorder.

4. The auditor, one thousand five hundred dollars per annum; *provided*, that the provisions herein contained for the salary of the auditor shall apply to the incumbent. Auditor.

- Treasurer. 5. The treasurer, nine hundred dollars per annum.
- Tax collector. 6. The tax collector, six hundred dollars per annum, which shall be in full for all services as tax collector and license collector.
- Assessor. 7. The assessor, one thousand eight hundred dollars per annum; *provided*, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid; *provided, further*, that the provisions herein contained for the expenses of the assessor shall apply to the incumbent.
- District attorney. 8. The district attorney, one thousand five hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, one thousand five hundred dollars per annum, to be in full compensation for all services rendered, including his traveling expenses while visiting schools, and his services as member of and secretary of the board of education; *provided*, that the provisions herein contained for the salary of the superintendent of schools shall apply to the incumbent.
- Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices of peace. 13. In counties of this class the justices of the peace shall receive the following compensation, to wit:
- (a) In townships having a population of one thousand or over, the sum of three hundred dollars per annum, payable monthly.
- (b) In townships having a population of less than one thousand, the sum of two hundred forty dollars per annum, payable monthly.
- The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.
- The salaries of justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.
- Population of townships. For the purpose of this subdivision the population of the several judicial townships is hereby determined to be the population of the townships as shown by the federal census taken in the year A. D. one thousand nine hundred ten.

14. Constables, the sum of three hundred dollars per annum, which shall be paid, in the manner and at the same time and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury; *provided*, the provisions hereof and herein contained shall apply to the present incumbent. Constables.

15. Each member of the board of supervisors, five dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred fifty dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses. Supervisors.

16. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten cents per mile, one way, only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section one thousand seven hundred seventy of this code. Board of education.

17. In counties of this class, for attending as a grand juror or as a trial juror in a criminal case in the superior court, for each day's attendance, three dollars. Such jurors shall receive for each mile actually and necessarily traveled in attending as a juror, in going and coming, fifteen cents. Jurors.

18. In counties of this class witnesses shall be allowed for each day's actual attendance, when legally required to attend upon the superior court in a criminal case, three dollars, and for each mile actually and necessarily traveled as such witness, in going and coming, ten cents; *provided*, that such per diem and such mileage shall be allowed only upon such a showing to the court as is now or may be hereafter required by law. Witnesses.

19. The legislature hereby declares that the provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers. Intent of act.

20. The provisions of this act shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and said provisions shall be in force and apply to the present incumbent. Time in effect.

CHAPTER 489.

An act to authorize irrigation districts to refund outstanding bonded indebtedness.

[Approved May 25, 1919. In effect July 25, 1919.]

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

Refunding
bonded
indebtedness
of irrigation
district.

SECTION 1. The board of directors of any irrigation district organized or existing under or subject to the provisions of the California irrigation district act approved March 31, 1897, as amended, providing for the organization and government of irrigation districts, that has an outstanding indebtedness evidenced by bonds lawfully issued prior to January 1, 1913, may, by a majority vote of the members of the board, submit to the electors of the irrigation district at any election the proposition of the issuance of new bonds for the purpose of refunding the bonds outstanding, as the same become due. Such election shall be held, and the vote thereon shall be the same as provided by the California irrigation district act for the issuance of other irrigation district bonds; *provided*, no petition therefor need be circulated or signed; *and provided, further*, that a majority of the votes of those voting on said proposition shall be sufficient to carry the same. Such bonds shall bear interest at a rate the same as or lower than the bonds to be refunded and no refunding bond shall have a later date of maturity than twenty years from the date of its issue.

Form.

SEC. 2. The refunding bonds shall be issued in substantially the manner and in the form required by law for the issuance of other bonds of the district. These bonds may be sold from time to time in the same manner as other bonds of the district. or, if the directors of the district and the holders of any of the bonds reaching maturity so elect, they may be exchanged in payment of the bonds so maturing as such bonds mature.

Sale.

Tax levy
to pay
interest and
principal.

SEC. 3. The board of directors shall cause to be assessed and levied each year upon the assessable property in the district, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on or any principal of such refunding bonds in the same manner as is provided in the California irrigation district act in the case of other bonds.

CHAPTER 490.

An act to amend section four thousand two hundred forty-seven of the Political Code, relative to the salaries and fees of officers in counties of the eighteenth class.

[Approved May 27, 1919. In effect—see section 17.]

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

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

4247. In counties of the eighteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 18th class: salaries of officers.

1. The county clerk, three thousand six hundred dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He shall also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand twenty dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county. County clerk.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of one thousand two hundred dollars per annum, an under-sheriff at a salary of one thousand eight hundred dollars per annum, a deputy jailer at a salary of one thousand five hundred dollars per annum, who shall act as a jailer for the county jail, Sheriff.

and a deputy jailer who shall be custodian of the courthouse grounds at a salary of one thousand five hundred dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid.

Recorder. 3. The recorder, three thousand dollars per annum. He shall also be allowed one deputy which office of deputy recorder is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed two copyists which two offices of copyists are hereby created, who shall receive as compensation the sum of one thousand twenty dollars, each per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Auditor. 4. The auditor, three thousand dollars and such fees as are allowed by law. The auditor shall also be allowed one deputy auditor which office of deputy auditor is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Treasurer. 5. The treasurer, two thousand eight hundred dollars per annum. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Tax collector. 6. The tax collector, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid.

Assessor. 7. The assessor, four thousand dollars per annum. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. The assessor shall also be allowed all fees and commissions allowed him by law for collection of personal property taxes and for preparation of roll of persons subject to military duty.

District attorney. 8. The district attorney, three thousand dollars per annum. The district attorney shall also be allowed one stenographer, which office of stenographer is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

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

10. The public administrator, eight hundred dollars per Public ad-
ministrator.
annum.

11. The superintendent of schools, three thousand dollars Superintend-
ent of
schools.
per annum, and actual traveling expenses when visiting the schools in his county; *provided*, the superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

12. The surveyor, three thousand dollars per annum. He Surveyor.
shall also be allowed in addition thereto all necessary field and office assistance and expenses including transportation while on duty away from the office.

13. Justices of the peace, the following monthly salaries, Justices
of peace.
to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of one thousand five hundred and less than six thousand, seventy-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of five hundred and less than one thousand, twenty dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines and fees collected by him in criminal and civil cases as provided for by law.

14. Constables, the following salaries which shall be paid Constables.
monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this section, the Population
of townships.
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.

Supervisors.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum for all services rendered including mileage and including services as road commissioners; *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual expenses.

Board of education.

16. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

Time in effect.

17. Sections one, two, three, four, five, six, seven, eight, eleven, twelve, thirteen and the provisions of section fourteen relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the legislature.

Salaries full compensation.

The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies, as provided in section seven of this act, shall be paid into the county treasury as provided by law except that the county clerk, sheriff, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivisions one, two, seven, nine, and fourteen, respectively, of this act.

CHAPTER 491.

An act providing for the payment of the deficit, created by the sixth district agricultural association in the holding of a state-wide agricultural and industrial fair, and making an appropriation to meet such deficit.

[Approved May 27, 1919. In effect July 27, 1919.]

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

Appropriation: deficit of sixth district agricultural association.

SECTION 1. The sum of seventy-five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with the law, to liquidate the deficit of the sixth district agricultural association arising through the holding of a state-wide agricultural and industrial fair at Los Angeles, during the year 1918.

CHAPTER 492.

An act to amend section four hundred forty-three of the Political Code, relating to the state school fund.

[Approved May 25, 1919. In effect July 25, 1919.]

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

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

443. On or before the thirty-first day of December in the year one thousand nine hundred nineteen and on or before the thirtieth day of June in the year one thousand nine hundred twenty, and on or before the thirtieth day of June and the thirty-first day of December in each succeeding year, the state controller shall transfer from the general fund of the state, to the state school fund, such sums as will be equivalent to seventeen and one-half dollars per annum for each pupil in average daily attendance in the elementary schools of the state as reported by the superintendent of public instruction for the school year ending June thirtieth preceding. The money so transferred shall be in addition to the funds provided by the constitution for the support of the common schools and any other funds paid into the state school fund from other sources or made available by any provision of law for the support of the elementary schools of the state, and the provisions of this section shall not apply to nor affect the acts under which said additional sums are appropriated or made available for such use.

Transfer of money to school fund.

In addition to funds provided by constitution.

CHAPTER 493.

An act to amend section one thousand five hundred thirty-two of the Political Code, relating to powers and duties of the superintendent of public instruction.

[Approved May 25, 1919. In effect July 25, 1919.]

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

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

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

Duties of superintendent of public instruction.

First—To superintend the schools of this state.

Second—To report to the governor, on or before the fifteenth day of September preceding each regular session of the legislature, a statement of the condition of the public elementary and secondary schools, the state normal schools and other

Report to governor.

educational institutions supported in whole or in part by the state.

Tabular
statements
accompany-
ing report.

Third—To accompany his report with tabular statements, showing the number attending public schools, and the average attendance; the amount of state school fund apportioned, and the sources from which derived; the amount raised by county, city and county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building schoolhouses, for district school libraries, and for incidental expenses.

Apportion
school funds.

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

Draw orders
for school
funds.

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

Prepare
blanks.

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

Compile
school laws.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Visit
asylums.

Eighth—To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein.

Visit
schools.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred, provided that they do not exceed one thousand eight hundred dollars per annum, shall be allowed, audited and paid out of the general fund in the same manner as other claims are audited and paid.

Authenticate
orders.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Eleventh—To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him. Bind documents.

Twelfth—To report to the controller, on or before the tenth day of September of each year, the total average daily attendance in the elementary day and evening schools including the special day and evening elementary school classes, the average daily attendance in the day and evening high schools including the special day and evening high school classes, as shown by the annual reports of the county superintendents of the several counties on file in his office for the school year immediately preceding, and the average daily attendance of pupils upon each of such part-time vocational courses as are established and maintained by each high school district under the provisions of section one thousand seven hundred fifty c of this code, and as are shown by these reports and approved by the commissioner of vocational education. Report daily attendance.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office. Deliver records to successor.

Fourteenth—To visit and inspect each state normal school from time to time, inquire into its condition and management, require such reports as he may deem proper from the teachers of the school and exercise general supervision over the same. Inspect state normal schools.

CHAPTER 494.

An act granting certain tidelands and submerged lands of the State of California to the city of Newport Beach, upon certain trusts and conditions.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the city of Newport Beach, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California held by said state by virtue of its sovereignty, in and to all that portion of the tidelands and submerged lands within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean which border upon and are in front of the upland now owned by said city and such other upland as it may hereafter acquire, to be forever held by said city, and by its successors in trust for the uses and purposes and upon the express conditions following, to wit: Tidelands granted to Newport Beach.

(a) Said lands shall be used by said city and by its successors solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulk- Use of lands.

Use of
lands.

heads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ways and streets, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said city. And said city or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm, or corporation for any purposes whatever; *provided*, that said city or its successors may grant franchises thereon for a period not exceeding twenty-five years for wharves and other public uses and purposes, and may lease said lands or any part thereof for a period not exceeding twenty-five years for purposes consistent with the trust upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor.

Improvement
of harbor.

(b) Said harbor shall be improved by said city without expense to the state and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

Rates,
tolls, etc.

(c) In the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges, or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

CHAPTER 495.

An act granting to the city of Newport Beach, a municipal corporation, the right and authority to construct and maintain sewer, water, gas, and other conduits upon public lands.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

Conduit
rights
granted to
Newport
Beach.

SECTION 1. There is hereby granted to the city of Newport Beach, a municipal corporation of this state, the right, power and authority to construct and maintain over, across, and along the public lands of the State of California under and bordering upon Newport bay sewer, water, gas, and other pipe lines and conduits, and to go upon said public lands to construct and maintain the same.

CHAPTER 496.

An act to amend section eight hundred eighty-three of the Code of Civil Procedure, relating to the manner of waiving the jury trial in a civil action in the justices' courts.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section eight hundred eighty-three of the Code of Civil Procedure is hereby amended to read as follows:

883. A jury may be waived—

Waiving
jury trial.

1. By consent of parties, entered in the docket;
2. By a failure of either party to demand a jury within two days after service upon him of notice of trial of an issue of fact, as provided in section eight hundred fifty;
3. By the failure of either party to appear at the time fixed for the trial of an issue of fact.

CHAPTER 497.

An act to provide for the assessment, levy and collection of taxes for the support of the state government for the seventy-first and seventy-second fiscal years.

[Approved May 25, 1919. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred nineteen, for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in the subdivisions (a), (b), (c), and (d), of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of twenty-three million four hundred ninety thousand dollars for annual expenditure for the support of the state government for the seventy-first fiscal year, and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of twenty-three million four hundred ninety thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-first fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes

Assessment
and tax levy
for support
of state
government.

Sum to be
raised for
71st fiscal
year.

assessed and levied upon the property and in the manner and upon the rates of taxation hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of twenty-three million four hundred ninety thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for the said seventy-first fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-first fiscal year the amount of said deficiency.

Ad valorem
tax to meet
deficiency.

SEC. 2. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred twenty, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions (a), (b), (c), and (d) of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed by the laws now in force, for the purpose of raising the sum of twenty-four million four hundred eighty thousand dollars for annual expenditure for the support of the state government for the seventy-second fiscal year; and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise the said sum of twenty-four million four hundred eighty thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-second fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of twenty-four million four hundred eighty thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision (c) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for said seventy-second fiscal year upon each one hundred dollars in value of taxable property, upon all the property of the State of California not exempt

Sum to be
raised for
72d fiscal
year.

Ad valorem
tax to meet
deficiency.

from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-second fiscal year, the amount of said deficiency.

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in section fourteen of article thirteen of the constitution of this state, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred ten.

Tax to meet
deficiency
levied on
what
property.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

In effect
immediately.

CHAPTER 498.

An act to amend section four thousand two hundred forty-two of the Political Code, relating to salaries and fees of officers of counties of the thirteenth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-two of the Political Code is hereby amended to read as follows:

4242. In counties of the thirteenth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties of
13th class:
salaries of
officers.

1. The county clerk, two thousand eight hundred dollars per annum, and there shall be and there is hereby allowed to the county clerk, in addition, one deputy who shall be paid the sum of one thousand six hundred dollars per annum, and one deputy who shall be paid the sum of one thousand five hundred dollars per annum, and one deputy who shall be paid the sum of one thousand two hundred dollars per annum and one deputy who shall be paid the sum of one thousand one 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 the county officers are paid; *and provided, further*, that in each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents

County clerk.

per name for taking affidavits of registration, and claims for their service at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed; *and provided, further*, that all fees and commissions received by this office shall be turned over to the county and become the property of the county.

Sheriff.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, one under sheriff whose salary is hereby fixed at the sum of one thousand six hundred dollars per annum, and one deputy who shall be jailer, whose salary is hereby fixed at the sum of one thousand one hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of one thousand dollars per annum; and one deputy whose salary is hereby fixed at the sum of nine hundred dollars per annum; said deputies to be appointed by the sheriff and their salaries to be paid by the county in equal monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Recorder.

3. The recorder, two thousand eight hundred dollars per annum; and one deputy, whose office is hereby expressly created, to be appointed by the recorder who shall receive a salary of one thousand five hundred dollars per annum, payable in monthly installments; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The salaries of the deputy recorder and copyists herein provided, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county.

Auditor.

4. The auditor, two thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the auditor in addition one chief deputy to be appointed by the auditor who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of one thousand two hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of nine hundred dollars per annum, and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided*, that the auditor shall file with the county clerk a verified statement showing in detail the amount paid, and the persons to whom said compensation is paid for such extra assistants aforesaid. The salaries herein provided shall be paid by the county in monthly installments at the same

time and out of the same fund as the salaries of county officers are paid.

5. The treasurer, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy, to be appointed by him, who shall receive from the county a salary of one thousand one hundred dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by the treasurer shall be turned over to the county and become the property of the county. Treasurer.

6. The tax collector, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector; one deputy at a salary of one thousand three hundred dollars per annum; and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate exceed the sum of one thousand two hundred fifty 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 other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. Tax collector.

7. The assessor, two thousand eight hundred dollars per annum, and his actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor; one deputy at a salary of one thousand six hundred dollars per annum, one stenographer at a salary of one thousand dollars per annum, one stenographer at a salary of nine hundred dollars per annum, and such other deputies as the assessor may require, and whose compensation in the aggregate shall not exceed the sum of five thousand five hundred dollars in any one year; *and provided*, that the assessor shall file with the county auditor, a verified statement showing in detail, the amounts, and the persons to whom said compensation is paid. The salaries of such deputies and stenographers shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund that county officers are paid. All fees and commissions, including poll tax, collected by this office shall be turned over to the county and become the property of the county. Assessor.

8. The coroner, such fees as are now, or may hereafter be allowed by law. Coroner.

Public ad-
ministrator.

9. The public administrator, such fees as are now, or may hereafter be allowed by law.

District
attorney.

10. The district attorney, two thousand five hundred dollars per annum, and actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, one deputy to be appointed by the district attorney who shall be paid the salary of one thousand two hundred dollars per annum; and one deputy to reside at Blythe or vicinity, who shall be paid a salary of five hundred dollars per annum; and *provided, further*, that a stenographer be appointed by the district attorney to be paid a salary of nine hundred dollars per annum. Said deputies and stenographer shall be paid out of the county treasury in monthly installments in the same manner and out of the same fund as county officers are paid.

Superintend-
ent of
schools.

11. The superintendent of schools, two thousand five hundred dollars per annum; his office shall be kept open on all business days from nine a.m. to five p.m., he shall be allowed his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of one thousand two hundred dollars per annum; and *provided, further*, that in counties of this class the superintendent of schools shall be allowed not to exceed the sum of three hundred dollars per annum for necessary work of a stenographer. Said deputy and stenographer shall be paid by said county in monthly installments in the same manner and out of the same fund as the salaries of county officers are paid.

Surveyor.

12. The surveyor, one thousand five hundred dollars per annum, and in addition thereto, all necessary field assistants; *provided*, that in counties of this class there shall be and there hereby is allowed the surveyor, two deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: one deputy at a salary of one thousand six hundred dollars per annum and one deputy at one thousand one hundred dollars per annum. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors, said cost of preparing said assessor's maps not to exceed the sum of one thousand eight hundred dollars.

One justice
of peace and
one constable
in townships.

13. From and after the first Monday after the first day of January, one thousand nine hundred fifteen, the officers of townships in counties of this class shall be one justice of

the peace and one constable, anything in the provisions of section four thousand fourteen of this code to the contrary notwithstanding.

14. The justice of the peace in townships having a city or a portion thereof, situated therein and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, which shall be in full for all services rendered by him in both civil and criminal cases tried before him, and he shall each month pay to the county treasurer all fines, commissions and fees collected by him as such justice of the peace, including fees for celebrating marriages and returning certificates thereof to the county recorder; *and provided, further*, that the board of supervisors of counties of the thirteenth class shall furnish each justice of the peace in townships having a population of twelve thousand or more, with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of twelve thousand or more there shall be and there is hereby allowed to the justice of the peace, one clerk which office is hereby created who shall be appointed by the justice of the peace of said township, subject to the approval of the board of supervisors of the county and whose salary is hereby fixed at the sum of six hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned for the faithful discharge of the duties of his office which bond shall be approved and filed in the same manner as are bonds of county officers. He shall keep a record of the proceedings of said court and issue all processes ordered by the justice of said court and receive and pay into the county treasury all fines, forfeitures and fees paid into said court. He shall render each month to the county auditor and the county treasurer, an exact account under oath of all fines, forfeitures and fees paid and collected and he shall prepare bonds, and justified bail when the amount has been fixed by the court or justice and may administer and certify oaths and shall remain in the court room of said court during court hours and during such other reasonable times as may be necessary for the proper performance of his duty. He shall have the custody of all records and papers of said court. In townships having a population of six thousand and less than twelve thousand the justice of the peace therein shall receive seventy-five dollars per month; in townships having a population of four thousand and less than six thousand, thirty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, twenty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, fifteen

dollars per month, and in all other townships in said county, ten dollars per month; *provided, however*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month. Each justice of the peace must pay into the county treasury once each month all fines collected by him in criminal cases, and the auditor shall withhold the warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. All provisions of this paragraph to apply to present incumbents.

Constables.

15. Constables in townships having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, fifteen hundred dollars per annum, payable in monthly installments, and their actual traveling expenses when engaged in official business outside of such townships, which shall be in full for all services rendered by them in all civil and criminal business. They shall charge and collect such fees as are allowed by law, and they shall each month pay into the county treasury all fees, forfeitures, fines, and commissions collected by them in the discharge of their duties as such constables. In townships having a population of six thousand and less than twelve thousand the constable shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, twenty dollars per month; and in all other townships in said county ten dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salaries herein allowed, each constable except constables in townships having a city or portion thereof situated therein, and having a population of twelve thousand or more shall receive for their own use in civil cases the fees allowed by law, and shall be paid out of the treasury of the county his actual traveling expenses outside of his own township, but within his county, for the service of the warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside of his county both going and returning from the place of arrest or other service, five cents per mile; and for transporting prisoners to the county jail, the actual cost of transportation.

Population of townships.

16. The population of several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year.

17. Each supervisor one thousand five hundred dollars per annum, payable in monthly installments, and fifteen cents per mile one way for traveling expenses from his residence to the place of meeting of the board at the county seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum. Supervisors.

19. Whenever the work of an office has not been brought down to date by the retiring officer and the present incumbent shall present to the board of supervisors a signed sworn statement setting forth explicitly, and in detail the work so lacking and which was in that condition when he was inducted into office, and provided the county auditor shall also certify to the public necessity of the work, the board of supervisors shall investigate such condition and may, if they, by resolution, certify that the public necessity demands it before the new incumbent can make up such work, employ additional help and provide for compensation for such time as such work consumes, at a rate not to exceed eighty dollars per month for each person so employed. Additional help for unfinished work.

20. Whenever the board of supervisors shall by resolution certify that on account of the formation of storm water, irrigation, drainage, road or other special districts, the formation of which is provided by law, and the work of which imposes temporary and excessive clerical burdens upon any county office, or offices, and that the public convenience and necessity requires prompt dispatch of business not possible by the normal office help, they may appoint such additional help as they deem necessary until the said extra work is completed, and they shall fix the compensation therefor at a rate not to exceed eighty dollars per month for each person so employed, and they may designate that such extra help shall work part of the time in one office and part of the time in another office. This shall not be construed to provide for permanent positions in any office to care for work which the law now may impose on such county office, but shall only be exercised as a temporary measure to expedite the public business in a reasonable and businesslike manner for the purposes and under the conditions named. Additional clerical help for formation of districts.

CHAPTER 499.

An act to add a new section to the Political Code, to be numbered one thousand seven hundred thirty-three a, relating to the exclusion of elementary school districts from union and joint union high school districts, for the purpose of organizing a new union or joint union high school district, and providing for the organization of such new union or joint union high school district.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered one thousand seven hundred thirty-three a, is hereby added to the Political Code, to read as follows:

Petition to
organize
union or
joint union
high school
district.

1733a. Whenever a majority of the heads of families or of the electors residing in each of several elementary school districts having in the aggregate one hundred seventy-five or more units of average daily attendance in the elementary schools, as shown by the last reports of the teachers in said districts, and having a total assessed valuation of at least one million dollars, and lying two and one-half miles or more from any public high school building by the nearest traveled road, which elementary school districts or a majority thereof are a part of one or more union or joint union high school districts of the county, as shown by the affidavits of one or more of the petitioners, shall present to the superintendent of schools who has jurisdiction over said elementary school district, or districts, or a majority thereof, a petition asking for the organization of a union high school district, or joint union high school district, as the case may be, to include all of the elementary school districts represented in said petition, and shall specify in said petition the name of the proposed union or joint union high school district, the county superintendent of schools 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 within said proposed union or joint 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

Election.

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," or "Joint union high school district—Yes" and "Joint union high school district—No," as the case may be, 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 of the county or in case of a joint union high school district the superintendent of the county who would have jurisdiction over the joint school district proposed to be formed shall combine the votes "for" and "against" the formation of the union or joint union high school district and declare 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 or joint union high school district, he shall also file, with the county clerk of the county, or of each county in which any part of the elementary school districts are situated, a certificate showing the total number of votes cast in each district in favor of the union or joint union high school district, the total number of votes in each district against the union or joint 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, the board of supervisors shall make an order excluding all elementary school districts in their county taking part in said election from the high school district or districts of which they, or any of them, were a part; *provided*; that no order excluding territory from any union or joint union high school district shall be made if the exclusion of such territory would reduce the assessed valuation of such union or joint union high school district to three million five hundred thousand dollars or less; *and provided, further*, that all bonded indebtedness of the union or joint union high school district and all interest thereon shall be paid by the district which incurred the same as though such exclusion had not occurred. The order of the board of supervisors excluding such elementary school districts from a union or joint union high school district shall be entered by the clerk of the board of supervisors 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 and said county clerk shall enter it in his record of high school districts. The board of supervisors, after making the order of exclusion, shall

If majority favors.

Exclusion of elementary districts.

make an order establishing the union or joint union high school district asked for in the petition, and the county clerk shall record the certificate of the county superintendent of schools and the orders of the board of supervisors in full in his record of high school districts.

CHAPTER 500.

An act to amend section four thousand two hundred forty of the Political Code, relative to the compensation of county and township officers and to the fees and mileage of grand jurors and trial jurors and witnesses in the superior court, and to the fees of jurors in criminal cases in justice courts of counties of the eleventh class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty of the Political Code is hereby amended to read as follows:

Counties of
11th class;
salaries of
officers.

County clerk.

4240. In counties of the eleventh class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and twelve and one-half cents for each elector registered; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk, which said positions are hereby created, the following deputies, who shall be appointed by the county clerk of such county, and shall be paid salaries as follows: One deputy at a salary of two thousand one hundred dollars per annum, two deputies at a salary of one thousand eight hundred dollars each per annum, three deputies at a salary of one thousand six hundred fifty dollars each per annum, two deputies at a salary of one thousand five hundred dollars each per annum, and a deputy or deputies not to exceed three for a period of employment not to exceed one calendar month, to be employed in the discretion of the county clerk, at such time as he may deem necessary preceding each county election, at a salary of four dollars each per diem, two deputies for five months during the fiscal year of 1919-1920 for the purpose of refileing papers, at a salary of one hundred dollars per month. The deputies herein provided for shall be paid by such county at the same time and in the same manner and out of the same fund that the salary of the county clerk is paid. In counties of this class the county clerk shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to present incumbents.

2. The sheriff, four thousand eight hundred dollars per annum. ^{Sheriff.} 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 commission for the service of all papers whatsoever issued by any court of this state, outside of this county. The sheriff shall also receive the necessary expenses incurred in the pursuit of criminals; *provided*, that no constructive mileage shall be allowed. In counties of this class there shall be, and there is hereby allowed to the sheriff, which said positions are hereby created, the following deputies, who shall be appointed by the sheriff of such county, and shall be paid salaries as follows: One deputy at a salary of two thousand one hundred dollars per annum, ten deputies, one of whom shall be a woman, at a salary of one thousand eight hundred dollars each per annum. The deputies herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the sheriff is paid. In counties of this class the sheriff shall make no charge for the boarding of prisoners over and above the actual cost of materials. The provisions herein contained shall apply to present incumbents.

3. The recorder, four thousand dollars per annum; *provided*, ^{Recorder.} that in counties of this class there shall be, and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries as follows: One deputy recorder at a salary of one thousand eight hundred dollars per annum, two deputies at a salary of one thousand two hundred dollars per annum, two copyists at a salary of one thousand dollars per annum; *provided*, that said copyists being eligible, may also be appointed deputy recorders without further compensation. The recorder may also employ such additional copyists, not to exceed two, as may be required to copy instruments filed for record within a reasonable time after the same are filed for record and which the other copyists herein provided, are unable to copy within such time. The compensation of such additional copyists shall be paid out of the general fund of said county at the rate of seventy-five dollars a month, and proper claims therefor shall be presented to and allowed by the board of supervisors. The deputies and copyists herein provided for, other than additional copyists, shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the recorder is paid; *provided*, that in counties of this class the 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 whatsoever source they may be derived. The provisions herein contained shall apply to present incumbents.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies and assistants who shall be appointed by the auditor of such county, and shall be paid salaries as follows: Three deputy auditors at a salary of one thousand eight hundred dollars each per annum, one deputy at a salary of one thousand five hundred dollars per annum, one deputy who shall be a stenographer at a salary of one thousand five hundred dollars per annum; *provided, further*, that the auditor may appoint ten additional assistants for a period of employment not to exceed two months in each year, to be paid four dollars each per diem. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. In counties of this class the auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer.

5. The treasurer, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, which said position is hereby created, one deputy, who shall be appointed by the treasurer of such county, and shall be paid a salary of two thousand one hundred dollars per annum. The deputy herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the treasurer is paid. In counties of this class the treasurer shall pay into the county treasury all fees received by him in his official capacity.

Tax and
license
collector.

6. The tax and license collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the tax and license collector, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the tax and license collector of said county, and shall be paid salaries as follows: One deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, two assistants for a period of employment not exceeding eight months each per year to be paid four dollars per diem each, and two assistants for a period of employment not exceeding five months each per year to be paid four dollars per diem each, and four additional copyists for a period of employment not exceeding four months each per year to be paid four dollars per diem each; such additional assistants, not to exceed five, for a period of time not to exceed two months, said additional assistants to be paid out of the general fund of the county at the rate of four dollars per diem each. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the tax and license collector is paid. The provisions herein contained shall apply to present incumbents.

7. The assessor, five thousand dollars per annum. In coun- Assessor.
ties of this class there shall be, and there is hereby allowed to
the assessor, the following deputies and employees, who shall
be appointed by the assessor and who shall be paid salaries as
follows: One deputy assessor who shall receive a salary of one
thousand eight hundred dollars per annum; one deputy assessor
who shall receive a salary of one thousand five hundred dol-
lars per annum; four deputies who shall be employed not to
exceed one hundred four days each year whose per diem shall
be eight dollars each when actually employed; four deputies
who shall be employed not to exceed one hundred four days
in each year whose per diem shall be seven dollars each when
actually employed; four deputies who shall be employed not
to exceed one hundred four days in each year whose per diem
shall be five dollars each when actually employed; six deputies
who shall be employed not to exceed one hundred four days in
each year whose per diem shall be four dollars each when
actually employed: such additional deputies, whose aggregate
compensation shall not exceed two thousand dollars in any
fiscal year, as may be necessary to carry on the work of his
office; two copyists who shall be employed not to exceed one
hundred thirty days in each year, whose per diem shall be
three dollars each when actually employed; and one steno-
grapher who shall be employed not to exceed four months in
each year whose salary shall be eighty dollars per month;
provided, that the above salaries and compensations shall be
in full payment for all services rendered by him as such
assessor and that no commission for the collection of state
taxes or infirmity poll taxes for road taxes or personal prop-
erty taxes shall be retained by him, nor shall the assessor
receive any compensation for making out the military roll of
persons returned to him as subject to military duty as provided
by section one thousand nine hundred one of the Political
Code of the State of California, but that all fees and commis-
sions shall be paid into the county treasury. The deputies
herein provided for shall be paid at the same time and in the
same manner and out of the same fund as the salary of the
county assessor is paid; *provided*, that the assessor shall be
allowed the actual and necessary expenses incurred by him in
the performance of his official duties. The provisions herein
contained shall apply to present incumbents.

8. The district attorney four thousand dollars per annum; District
attorney
provided, that in counties of this class there shall be, and there
is hereby allowed to the district attorney, which said positions
are hereby created, the following: One assistant district attor-
ney at a salary of two thousand seven hundred dollars per
annum, one deputy district attorney at a salary of two thou-
sand four hundred dollars per annum, one deputy district
attorney at a salary of two thousand one hundred dollars per
annum, and one stenographer at a salary of one thousand
five hundred dollars per annum and one stenographer at a

salary of one thousand two hundred dollars per annum. The assistant, deputies and stenographer herein provided for shall be appointed by, and hold office at the pleasure of, the district attorney, and shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the district attorney is paid; *provided*, that the assistant district attorney herein provided for shall possess the powers and may perform the duties attached by law to the office of his principal; *provided, further*, that no employee of the district attorney's office shall accept any other compensation by reason of services rendered in any action or proceeding wherein fees or per diem would constitute a charge against the county.

Coroner and
public ad-
ministrator.

9. The coroner and public administrator, three thousand dollars per annum, and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter 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 the body, or a chemist to make analysis of the contents of the stomach or tissues of the body, or hold a post mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class, shall be and is hereby allowed one deputy at a salary of one hundred dollars per month, and his necessary traveling expenses in traveling outside of the county seat; 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 clerk, which office is hereby created, at a salary of one hundred fifty dollars per month and his actual necessary expenses in traveling outside of the county seat, whose duty it shall be when called upon by the coroner, to attend all inquests and take down in shorthand the testimony of all witnesses at such inquests; when such testimony is taken down by such clerk, his transcription thereof, duly certified to by him, shall constitute the depositions of the witnesses testifying at such inquests so reported by such clerk; the salary of the said deputy and said clerk herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner and public administrator is paid. Said deputy and said clerk shall be appointed by the coroner, and shall hold office at the pleasure of the coroner. All fees and commissions collected by the coroner and public administrator in his official capacity and by his said deputy in his official capacity shall be paid into the county treasury.

Superintendent
of
schools.

10. The superintendent of schools, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools,

which said positions are hereby created, the following deputies, who shall be appointed by the superintendent of schools of such county, and shall be paid salaries as follows: One field deputy at a salary of two thousand one hundred dollars per annum, and two deputies at a salary of one thousand eight hundred dollars per annum each. The deputies herein provided shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. The provisions herein contained shall apply to present incumbents.

11. The surveyor, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the surveyor, which position is hereby created, one deputy who shall be appointed by the surveyor of such county, and shall receive a salary of one thousand five hundred dollars per annum. The deputy herein provided shall be paid by said county at the time and in the same manner and out of the same fund as the salary of the surveyor is paid. Surveyor.

12. Supervisors, three thousand dollars per annum each, and actual and necessary traveling expenses in the performance of the duties of their office; *provided*, that in counties of this class the board of supervisors shall have power to provide for the maintenance and support of minor children under eighteen years of age who are orphans or half orphans, abandoned or destitute minors; to lease, construct, maintain, appropriate buildings therefor; to provide suitable salaries for the necessary teachers and superintendents thereof. In the event that any regularly organized corporation whose sole purpose is the care, welfare and support of orphans, half orphans, abandoned or destitute minors under eighteen years of age, has already a building, structure, grounds and officers and have been in the business of caring for such destitute minors for eight years prior to the passage of this act, then the board of supervisors of the county are authorized to pay to the directors of the said corporation so caring for said destitute minors a sum not to exceed the sum of fifteen dollars per month for each minor so cared for. Supervisors.
Orphan aid.

Every institution receiving aid as above provided for must keep the following records which at all times must be open for inspection to the board of supervisors of such county, or to any person appointed by them to examine the same. Records of
institutions
receiving
county aid.

1. A record on which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, destitute or abandoned child, who is or may hereafter be received or admitted into such institution, and the date

Records of
institutions
receiving
county aid.

of discharge of any such child, when such discharge is made, the parentage, if known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained, the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

2. A book entitled "monthly accounts." In it must be entered, on the debtor side, all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

3. A pay roll of the employees, and the amounts disbursed to each.

4. A book in which must be entered in detail the amounts paid for the specific support of every orphan, half orphan, destitute or abandoned child and the date of such payments.

Justices
of peace and
constables

13. In counties of this class the township officers shall receive the following compensation, to wit: In townships having a population of twenty-five thousand or more, justices of the peace shall receive a monthly salary of two hundred dollars and may appoint one clerk at a salary of seventy-five dollars per month; and constables a monthly salary of one hundred twenty-five dollars.

In townships having a population of ten thousand or more and less than twenty-five thousand, justices of the peace shall receive a monthly salary of one hundred sixty-five dollars and constables a monthly salary of one hundred dollars.

In townships having a population of four thousand nine hundred and thirty, or more, and less than ten thousand, justices of the peace shall receive a monthly salary of one hundred forty dollars, and constables a monthly salary of one hundred twenty-five dollars.

In townships having a population of four thousand one hundred forty, or more, and less than four thousand nine hundred thirty, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of one hundred dollars.

In townships having a population of three thousand nine hundred thirty-five, or more, and less than four thousand one hundred forty, justices of the peace shall receive a monthly salary of one hundred dollars, and constables a monthly salary of ninety dollars.

In townships having a population of three thousand five hundred eight, or more, and less than three thousand nine hundred thirty-five, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of three thousand four hundred ninety-five, or more, and less than three thousand five hundred eighty, justices of the peace shall receive a

monthly salary of twenty dollars, and constables a monthly salary of twenty-five dollars.

Justices
of peace
and
constables

In townships having a population of two thousand six hundred thirty, or more, and less than three thousand four hundred ninety-five, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of two thousand four hundred ninety, or more, and less than two thousand six hundred thirty, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of sixty-five dollars.

In townships having a population of two thousand four hundred fifty-five, or more, and less than two thousand four hundred ninety, justices of the peace shall receive a monthly salary of ninety dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of one thousand seven hundred seventy, or more, and less than two thousand four hundred fifty-five, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of one thousand four hundred thirty-five, or more, and less than one thousand seven hundred seventy, justices of the peace shall receive a monthly salary of fifty dollars, and constables a monthly salary of sixty dollars.

In townships having a population of one thousand two hundred fifteen, or more, and less than one thousand four hundred thirty-five, justices of the peace shall receive a monthly salary of ninety dollars, and constables a monthly salary of ninety dollars.

In townships having a population of eight hundred fifty-five, or more, and less than one thousand two hundred fifteen, justices of the peace shall receive a monthly salary of twenty dollars, and constables a monthly salary of twenty dollars.

In townships having a population of eight hundred, or more, and less than eight hundred fifty-five, justices of the peace shall receive a monthly salary of thirty dollars, and constables a monthly salary of thirty dollars.

In townships having a population of five hundred eighty, or more, and less than eight hundred, justices of the peace shall receive a monthly salary of one hundred dollars, and constables a monthly salary of one hundred dollars.

In townships having a population of three hundred thirty, or more, and less than five hundred eighty, justices of the peace shall receive a monthly salary of twenty dollars, and constables a monthly salary of twenty dollars.

Salaries of justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and 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 to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Population of townships.

The salaries of justices of the peace and of constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid; *provided*, that for the purposes of this section, the population of the several judicial townships of this county shall be ascertained by multiplying the number of votes cast for president at the election held in the year 1916, A. D., by five, which said population in said judicial townships has been computed and is determined to be as follows, to wit:

Judicial Township No. 1	-----	1,435
Judicial Township No. 2	-----	1,215
Judicial Township No. 3	-----	13,025
Judicial Township No. 4	-----	3,580
Judicial Township No. 5	-----	2,490
Judicial Township No. 6	-----	27,350
Judicial Township No. 7	-----	475
Judicial Township No. 8	-----	330
Judicial Township No. 9	-----	855
Judicial Township No. 10	-----	580
Judicial Township No. 11	-----	2,455
Judicial Township No. 12	-----	3,495
Judicial Township No. 13	-----	2,630
Judicial Township No. 14	-----	800
Judicial Township No. 15	-----	3,935
Judicial Township No. 16	-----	4,930
Judicial Township No. 17	-----	4,140
Judicial Township No. 18	-----	1,770
Judicial Township No. 19	-----	5,310

Jurors.

14. In the superior court, jurors' fees and witness fees shall be as follows:

For attending as a grand juror, for each day's actual attendance per day, three dollars, and twenty-five cents per mile for each mile actually traveled in going only, and but once during the term for which such juror is drawn, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his

warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same. Jurors.

For attending as a witness in criminal cases and before the grand jury, for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness the same was 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.

The fees for jurors in criminal cases in justice courts shall be two dollars per day for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and the treasurer shall pay the same.

15. The county librarian shall receive two thousand dollars per year. County librarian

CHAPTER 501.

An act to amend section one thousand one hundred thirty-five of the Penal Code, relating to the custody of the jury.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand one hundred thirty-five of the Penal Code is hereby amended so as to read as follows:

1135. A room must be provided by the supervisors of each county for the use of the jury, upon their retirement for deliberation, with suitable furniture, fuel, lights, and stationery. If the supervisors neglect, the court may order the sheriff to do so, and the expenses incurred by him in carrying the order into effect, when certified by the court, are a county charge; *provided, however*, that said board of supervisors shall provide a room for the female members of the jury which shall be separate and apart from the room provided for the male members.

Accommodations for jury after retirement.

Separate room for women jurors.

CHAPTER 502.

An act to amend section four thousand two hundred fifty of the Political Code, relating to salaries and fees of officers of counties of the twenty-first class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty of the Political Code is hereby amended to read as follows:

Counties of
21st class,
salaries of
officers.

4250. In counties of the twenty-first class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

County
clerk.

1. County clerk, three thousand five hundred dollars per annum, and shall receive in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he also shall receive in addition the sum of ten cents per name for each voter registered in the county in and for which the county clerk is elected, which shall be in full for all services required in registering voters and making up the great register, and the performing of all other acts incident to or pertaining to elections; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk two copyists and index clerks who shall be appointed by the county clerk, one of whom shall be paid a salary of nine hundred dollars per annum and one of whom shall be paid a salary of one thousand two hundred dollars per annum, and whose salaries shall be paid in monthly installments in the same manner and out of the same fund as the salary of the county clerk is paid.

It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of the officer, and it is intended that the same shall apply immediately to the present incumbents.

Sheriff.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of one thousand seven hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of five hundred dollars per annum, and two deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum; the said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for

the service of all papers whatsoever issued by any court in the state outside of the county in and for which the sheriff is elected. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of the officer and it is intended that the same shall apply immediately to the present incumbent.

3. The recorder, two thousand four hundred dollars per annum; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided, further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording. Recorder.

4. The auditor, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the auditor such assistants as he may require, and whose compensation shall not exceed the sum of two dollars and fifty cents per day for each day actually employed, and whose total compensation shall not exceed the sum of one hundred fifty dollars per annum in the aggregate for all assistants employed; *provided, further*, 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, as aforesaid. The assistants named in this paragraph shall be appointed by the auditor and paid by the county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. Auditor

5. The treasurer, two thousand four hundred dollars per annum; *provided, further*, that the treasurer shall receive and retain for his own use the commission on all inheritance taxes collected by him in accordance with law. Treasurer

6. The tax collector, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class the tax collector shall be allowed to appoint one deputy, which deputy shall be paid a salary of one thousand twenty dollars per annum, and the tax collector shall be allowed such other assistants as he may require; *provided, further*, that such assistants shall receive as compensation not to exceed two dollars and fifty cents per day for each day actually employed. The compensation of such assistants shall not in the aggregate exceed the sum of three hundred dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The salaries of said deputy and other assistants 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. Tax collector

It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of the officer, and it is intended that the same shall apply immediately to the present incumbents.

Assessor.

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand twenty dollars per annum; one draftsman at a salary of one thousand two hundred dollars per annum; one deputy for five months in the year at a salary of one hundred dollars per month; one copyist for five months in the year at a salary of forty dollars per month; one deputy for five months in the year at a salary of one hundred dollars per month; one deputy for three months in the year at a salary of one hundred dollars per month; and one deputy for four months in the year at a salary of one hundred dollars per month; *and provided, further*, that all of said deputies, copyists and draftsmen herein provided for shall be appointed by the assessor and shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the office, and it is intended that the same shall apply immediately to the present incumbents.

District attorney.

8. The district attorney, two thousand dollars per annum; *provided*, that in counties of this class there shall be and it is hereby allowed to the district attorney, one deputy, to be appointed by the district attorney and who shall be regularly admitted to practice before the courts of the State of California. Said deputy shall receive a salary of six hundred dollars per annum, which salary shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney shall be allowed in addition to the monthly salary herein allowed the sum of eighty-five dollars per month, which shall be in full for all office stenographic services required by said district attorney in criminal actions and in civil actions and other matters in which the county is interested. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of the officer and it is intended that the same shall apply immediately to the present incumbent.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a clerk which office is hereby created,

at a salary of one thousand twenty dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. It is hereby found as a fact that the changes provided in this section do not work an increase in compensation of the officer, and it is intended that the same shall apply immediately to the present incumbent.

12. The county surveyor for all services required of him Surveyor. as county surveyor, and also for all services which may be required of him as a road engineer, shall receive two thousand four hundred dollars per annum, and necessary cost of transportation to and from, and necessary expenses in the field, while engaged on public work, and he is hereby required to devote all his time to the county work.

13. Board of supervisors, each member of the board of supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses. Supervisors.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined for the purpose of this and the succeeding subdivisions by multiplying by three the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1912. Classification of townships.

15. From and after January 4, 1915, justices of the peace of townships in said county shall receive the following salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal and civil cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any Justices of peace.

one township, then the said justices shall each receive one-half of the salaries therein provided for, to wit: In townships of the first class, two hundred dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, fifty dollars per month; in townships of the fourth class, thirty-five dollars per month; in townships of the fifth class, twenty-five dollars per month. All fees fixed and provided by law and collected by any justice of the peace shall be paid into the county treasury at the end of each month. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

(constables)

Constables shall receive the following fees and salaries which shall be paid monthly and in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services of legal process by them in criminal actions, to wit: In townships of the first class, seventy-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, forty dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, fifteen dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the service of a warrant of arrest, or any other process, in a criminal case (where said service is in fact made), his actual expenses each way; for each mile traveled outside of his county, both going to and returning from the place of arrest or other service of process, his actual expenses each way; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way, which said actual expenses are hereby defined to be the actual cost of transportation of said constable or his prisoner or prisoners. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases. It is hereby found as a fact that the changes provided in this section do not work an increase in compensation of the officer, and it is intended that the same shall apply immediately to the present incumbent.

Official
reporter.

Salaries
shall be
in full
compensation.

16. The official reporter of the superior court shall receive the fees allowed by law.

17. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation of all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; *and it is hereby further expressly provided*, that all of the fees, commissions, per diem and expenses provided for in section four thousand

two hundred ninety of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by said officer at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him; save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, recorder, treasurer, district attorney and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to wit, sheriff, recorder, treasurer, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, five, eight and eleven of this act. Exceptions.

CHAPTER 503.

An act to amend section four thousand two hundred thirty-four of the Political Code, relating to the compensation of officers of counties of the fifth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-four of the Political Code is hereby amended to read as follows:

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 5th class, salaries of officers.

1. The county clerk, three thousand four hundred dollars per annum; he shall have one deputy at a salary of two thousand one hundred dollars per annum, two deputies at a salary of one thousand eight hundred dollars each per annum, five deputies at a salary of one thousand six hundred twenty dollars each per annum, two deputies at a salary of one thousand five hundred dollars each per annum and two deputies at a salary of one thousand two hundred dollars each per annum. He shall also have two additional deputies for a period of not to exceed ten months during each and every even numbered year at a salary of eighty dollars a month each during their said employment, and five copyists for a period not to exceed six months during each and every even numbered year, such copyists to receive a salary of eighty dollars a month each during their said employment; and also for any such even numbered year he shall appoint such deputies in the county as are necessary for the purpose of registering electors, such deputies to receive five cents for each elector legally registered County clerk.

by them. The county clerk shall pay into the county treasury at the close of each month all fees received by him as county clerk during the month, accompanied by statement of the sources from whence received.

Sheriff.

2. The sheriff, six thousand dollars per annum. He shall have an undersheriff at a salary of two thousand dollars per annum; one field deputy at a salary of two thousand dollars per annum, and two field deputies at a salary of one thousand six hundred twenty dollars per annum each; one office deputy, who shall have charge of the records made under the Bertillon system and who shall act as photographer, and who shall receive a salary of one thousand, six hundred twenty dollars per annum; five deputies whose salaries shall be one thousand three hundred twenty dollars per annum each; a stenographer whose annual salary shall be one thousand three hundred twenty dollars; and one jailer at a salary of one thousand six hundred twenty dollars per annum. The sheriff shall pay into the county treasury all sums received by him for service of process.

Recorder.

3. The recorder, three thousand dollars per annum. He shall have one deputy at a salary of two thousand dollars per annum, one deputy at a salary of one thousand eight hundred dollars per annum, two deputies at salaries of one thousand six hundred twenty dollars each per annum, a statistician for compiling the vital statistics of the county at a salary of one thousand six hundred twenty dollars per annum, and an abstract clerk at a salary of one thousand six hundred twenty dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum. The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation of seven cents per folio; *provided, however*, that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be three and one-half cents per folio for the entire number of folios of written and printed matter in said instrument.

Auditor.

4. The auditor, three thousand dollars per annum. He shall have one deputy at a salary of two thousand dollars per annum and one deputy at a salary of one thousand six hundred twenty dollars per annum; a redemption clerk at a salary of one thousand six hundred twenty dollars per annum; an additional deputy to act as bookkeeper at one thousand six hundred twenty dollars per annum; and three deputies for not to exceed one hundred and twenty days in each year at a salary of four dollars a day each, who shall make segregation of road district values and perform such other services as are required by law.

Treasurer.

5. The treasurer, three thousand dollars per annum. He shall have one deputy at a salary of two thousand one hundred dollars per annum; one deputy who shall act as bookkeeper.

at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum.

6. The tax collector, three thousand dollars per annum. Tax collector.
 He shall have one deputy who shall act as cashier at a salary of two thousand dollars per annum; one deputy who shall act as assistant cashier and tax sale clerk, at a salary of one thousand eight hundred dollars per annum; two deputies at a salary of one thousand six hundred twenty dollars per annum each; and one deputy, who shall act as bookkeeper at a salary of one thousand eight hundred dollars per annum; and one deputy who shall act as stenographer and assistant bookkeeper at a salary of one thousand three hundred twenty dollars per annum; and ten additional deputies for not exceeding three months in each year, at a salary of one hundred dollars per month each; and three deputies for not to exceed three months in each year, at salaries of five dollars per day each, and four copyists, not to exceed two months in each year, at three dollars and fifty cents a day each. The tax collector shall be allowed the actual and necessary expense incurred by him in the performance of his official duties as license collector of Fresno county.

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. Assessor.
 He shall have one deputy at a salary of two thousand dollars per annum; one draftsman at a salary of one thousand eight hundred dollars per annum; one real estate transfer deputy at a salary of one thousand six hundred twenty dollars per annum; one office deputy at a salary of one thousand six hundred twenty dollars per annum; a stenographer at a salary of one thousand two hundred dollars per annum; he shall also have five field deputies for a period not to exceed three months each year at salaries of six dollars a day each when actually employed; twenty-four field deputies for a period not to exceed three months each year at a salary of five dollars a day each when actually employed; three deputies for a period not to exceed six months each year at salaries of five dollars a day each; and five deputies for not to exceed six months each year at four dollars a day each; and five copyists for a period not to exceed six months each year at a salary of three dollars and fifty cents per day each when actually employed. All sums collected by the assessor or his deputies, as personal property taxes, shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

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. Jurors.

9. The district attorney, three thousand six hundred dollars per annum. He shall have one assistant at a salary of two thousand seven hundred dollars per annum; one deputy at a District attorney.

salary of two thousand one hundred dollars per annum; two deputies at salaries of one thousand eight hundred dollars per annum each; one deputy at a salary of one thousand six hundred twenty dollars per annum; a detective at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one hundred twenty-five dollars per month; one stenographer at a salary of one hundred fifteen dollars per month.

Neither of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

Coroner.

10. The coroner, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent of
schools.

12. The superintendent of schools, three thousand dollars per annum. He shall have three supervising assistants at salaries of two thousand dollars per annum each; one deputy at a salary of two thousand dollars per annum; one deputy at a salary of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand two hundred dollars per annum; one deputy to act as an attendance officer for the schools of Fresno county, whose duty shall be to enforce the laws in regard to compulsory attendance of pupils and who shall perform such other duties in connection with school work as the county superintendent may direct, at a salary of one thousand eight hundred dollars per annum. The superintendent and his supervising assistants and attendance officers shall be allowed their actual traveling expenses incurred while visiting schools in the county.

Surveyor.

13. The surveyor, three thousand dollars per annum in full compensation for all services as county surveyor, and as road viewer or inspector, and he shall be allowed one field deputy at a salary of two thousand dollars per annum, and one deputy at a salary of one thousand six hundred and twenty dollars per annum. The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of plans, specifications or surveys preliminary to the submission to the qualified voters of a county of this class of a proposition to issue bonds under the provisions of section four thousand eighty-eight of the Political Code for the construction of roads, bridges or highways; *provided, however*, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment; *provided, however*, that the term of employment of such inspectors or field or office help shall cease at the completion of such preliminary work hereinabove provided for. The salaries and expenses of such inspectors or field or office help shall be paid out of the county

general fund upon proper claims presented therefor to the ^{Surveyor.} board of supervisors. In any county of this class, where bonds have been or shall hereafter be issued under the provisions of section four thousand eighty-eight of the Political Code, for the construction of roads, bridges or highways, the county surveyor may, at any time during the planning, laying out or construction of such roads, bridges or highways, employ all necessary inspectors and field or office help to assist him in planning, laying out or constructing such roads, bridges and highways; *provided, however,* that before employing such inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment. Inspectors and field or office help shall not be employed longer than necessary to actually complete the roads, bridges or highways paid for out of funds created by such bond issue. There shall also be allowed to such surveyor, from and after the issue of bonds provided in said section four thousand eighty-eight, an additional deputy at a salary of three thousand six hundred dollars per annum, whose duties shall be limited to operations contemplated under such bond issue, and whose term of employment shall cease at the completion of such operation; *provided, however,* that before employing such additional deputy, the surveyor shall first obtain the consent of the board of supervisors for such employment. The salaries of all such persons employed as inspectors or field or office help shall be prescribed by the board of supervisors, and all such salaries, together with the field expense of all such inspectors or field or office help, as well as the salary of said additional deputy, shall be paid out of the fund created by such issue of bonds, upon proper demands therefor presented to the board of supervisors. The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from engaging in private surveying and engineering work, and shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in the office of the county clerk January 1, 1915, as follows, to wit:

Judicial Township No.	Population of townships.
1.....	814
2.....	2,205
3.....	17,730
4.....	2,058
5.....	2,171
6.....	2,841
7.....	1,931
8.....	1,807
9.....	858
10.....	863
11.....	1,219

Judicial Township No. 12-----	277
Judicial Township No. 13-----	683
Judicial Township No. 14-----	679
Judicial Township No. 15-----	1,021

Classification
of townships.

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

Justices
of peace.

15. Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered and shall include their office rent, except as otherwise provided by law, to wit:

In townships of the first class-----	\$200
In townships of the second class-----	75
In townships of the third class-----	60
In townships of the fourth class-----	50

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

Constables.

16. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class-----	\$100
In townships of the second class-----	75
In townships of the third class-----	60
In townships of the fourth class-----	50

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in

going and returning outside of the county at the rate of five cents per mile.

17. The supervisors shall receive each the sum of two thousand one hundred dollars per annum, payable monthly in installments of one hundred seventy-five dollars per month, in full compensation for all services rendered, either as supervisors or road overseers. Supervisors.

18. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month. Salaries payable monthly.

CHAPTER 504.

An act to amend section four thousand two hundred eighty-three of the Political Code, relating to salaries and fees of officers in counties of the fifty-fourth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty-three is hereby amended to read as follows:

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties of 54th class, salaries of officers.

1. The county clerk, one thousand eight hundred dollars per annum. County clerk.

2. The sheriff, three thousand eight hundred dollars per annum. Sheriff.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars in any one month, so collected; *and provided*, that the recorder may retain for his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims. Recorder.

4. The auditor, six hundred dollars per annum. Auditor.

5. The treasurer, one thousand four hundred dollars per annum. Treasurer.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him. Tax collector.

7. The assessor, one thousand nine hundred dollars per annum. Assessor.

District
attorney.

8. The district attorney, one thousand six hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public
adminis-
trator.

10. Public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent of
schools.

11. Superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses of visiting schools of the county.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
peace.

13. Justices of the peace, one hundred fifty dollars per annum.

Constables.

14. Constables, such fees as are now or may be hereafter allowed by law.

Supervisors.

15. Supervisors, each the sum of nine hundred dollars per annum, for all services performed by them, as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum.

Jurors.

16. Grand jurors, and jurors of the superior court in civil and criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, twenty cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 505.

An act to amend section two of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 21, 1903, as amended.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

Stats 1913,
p. 429

SECTION 1. Section two of an act entitled, "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares,

lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, as amended, is hereby amended to read as follows:

Sec. 2. Declaration of intention. City may pay percentage. Before ordering any improvement to be made which is authorized by section one of this act, the city council shall pass an ordinance declaring its intention to do so, describing the improvement and the land necessary or convenient to be taken therefor, and specifying the boundaries of the district to be benefited by said improvement and to be assessed to pay the expense thereof and to be known as the assessment district. Said city council may, in its discretion, order and declare that the whole, or any percentage, of the expense of said improvement be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in said ordinance of intention.

Ordinance
of intention
to improve
streets, etc.

City
may pay
percentage.

CHAPTER 506.

An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under eighteen years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under twenty-one years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act.

[Approved May 27, 1919. In effect—see section 15.]

The people of the State of California do enact as follows:

SECTION 1. The high school board of each high school district wherein there were enrolled, in the regular day classes of the high schools of said district during the school year next preceding, fifty or more persons living within a radius of three miles of a high school located in said district, must establish and maintain, under the provisions of section one thousand seven hundred fifty c of the Political Code, special day part-time classes which shall provide at least four sixty-minute hours of instruction per week for all persons within the district who are over fourteen and under eighteen years of age who are not in attendance upon full-time public or private day-schools for four or more sixty-minute hours per week, and who are not subject to the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved

High school
board to
maintain day
part-time
classes.

March 24, 1903, as amended. Said classes must be maintained between the hours of eight a. m. and five p. m. and must provide suitable instruction for the various individuals for whose benefit they are established.

Special evening classes for persons not speaking English.

SEC. 2. The high school board of each high school district wherein there are living, within a radius of three miles of any high school located in said district, twenty or more persons over eighteen and under twenty-one years of age who expect to remain in the district for a period of two or more months, who are not in attendance for at least four sixty-minute hours per week upon regular full-time public or private day schools, or suitable part-time day classes such as those specified under section one of this act, and who can not speak, read or write the English language, to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of this state, must establish and maintain special classes in evening schools or special evening classes under the administration of day schools, as authorized by section one thousand seven hundred fifty c of the Political Code. Said classes shall provide instruction in citizenship for such persons for at least four sixty-minute hours per week for at least thirty-six weeks of the school year.

Compulsory attendance upon part-time classes.

SEC. 3. *First*—All persons under eighteen years of age who are too old to be subject to the provisions of an act entitled, "An act to enforce the educational rights of children, and providing penalties for the violation of the act," approved March 24, 1903, as amended, who have not graduated from a high school maintaining a four-year course above the eighth grade of the elementary school, or who have not had an equal amount of education in a private school or by private tuition, who are not disqualified for attendance upon these classes because of their physical or mental condition, or because of personal service that must be rendered to their dependents, who reside within three miles of a suitable class maintained, either voluntarily or under the provisions of this act by a high school district, and who are not in attendance upon a public or a private full-time day school or satisfactory part-time classes maintained by other agencies, shall be, and hereby are, required to attend upon a special part-time class maintained by the high school board of the district wherein they reside, or by the high school board of an adjoining district, for not less than four sixty-minute hours per week for the regularly established annual school term; *provided*, that the local school authorities may accept in lieu thereof not less than one hundred forty-four hours of attendance which, beginning with the opening of the high schools of the district for the year, shall be accumulated at the rate of not less than four sixty-minute hours per week; *and provided, further*, that the local school authorities may, in their discretion, arrange with the parents, guardian or other person responsible for any minor for his full-time attendance upon a special class maintained for such minor at a convenient season, wherein he may secure the one hundred forty-four

Exceptions.

hours of attendance required of him under the provisions of this act. When any such parent, guardian or other person responsible for such minor agrees with the local school authorities that said minor shall attend full-time classes for any given period, such parent, guardian or other person becomes responsible for said minor's compulsory attendance upon these classes for said period.

Second—All persons over eighteen and under twenty-one years of age who can not speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of this state; who live within a radius of three miles of an evening class maintained by a high school district, either voluntarily or under the provisions of this act, for the instruction of such persons; who expect to remain in the district for a period of two or more months; who are not disqualified for attendance upon these classes because of their physical or mental condition, or because of personal service that must be rendered to their dependents; and who are not in attendance upon a public or private full-time day school or upon a class established under the provisions of section one of this act for such persons under eighteen years of age, shall be, and hereby are, required to attend, for at least four sixty-minute hours per week, upon a special day or evening class maintained by a high school district for persons who can not speak, read or write the English language.

Compulsory attendance upon classes for persons unable to speak English.

SEC. 4. *First*—It shall be the duty of the local school authorities to provide, in so far as possible through the classes established under section one of this act, educational opportunities which shall be suitable for the different needs of the various persons attending them. In carrying out the provisions of this act:

Conduct of classes

(a) They shall establish and maintain short unit courses and give instruction in civic and vocational subjects and subjects supplementing home, farm, commercial, trade, industrial or other occupations; and they may give instruction in any elementary, secondary or other school subject.

(b) They shall provide for individual counsel and guidance in social and vocational matters for each pupil enrolled in these classes.

(c) They shall give all persons who are engaged in skilled occupations and who are enrolled in these classes opportunity to better qualify themselves for said occupations.

(d) They shall give all persons who are engaged in unskilled occupations or in occupations that do not offer educational opportunities and who are in attendance upon these classes opportunity to prepare themselves for skilled occupations or for occupations that offer opportunities for promotion or further education.

(e) They shall provide instruction in home economics subjects for those who desire and need work of this character.

(f) They shall provide instruction in oral and written English and in the duties and responsibilities of citizenship for persons enrolled in these classes who can not speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of this state.

(g) They shall not require of pupils a minimum uniform standard of proficiency in any subjects maintained in these classes, except in those subjects designed to prepare for other classes or other schools.

Combined
school
enrollment
certificate
and permit
to work.

(h) They shall require the principal of the school to issue in his name a combined school enrollment certificate and permit to work to each person enrolled in these classes, and a duplicate of said certificate for his parents, guardian or other person having control or charge of him, and from time to time such duplicates of said certificate as are necessary for filing with his employers, together with such other blanks as may be necessary for the use of employers in reporting to the principal information concerning the employment of said person. Said certificate shall give the name, age and residence of the pupil, the name and residence of his parents, guardian or other person having control or charge of him, the time of day during which and the days on which he is in attendance upon the classes, and the character of work that he is pursuing. Said certificate shall also state any physical or other condition that should limit the employment of said pupil and shall state the date of issuance and the date of expiration. Said certificate shall be issued to persons enrolling in these classes within five days after their enrollment. Certificates issued during the first school term shall expire five days after the opening of the next succeeding school term of the year, and certificates issued during the last term of the school year shall remain valid until five days after the opening of the first school term of the succeeding year.

Instruction
in citizen-
ship.

Second—It shall be the duty of local school authorities that maintain classes under the provisions of section two of this act to provide, for persons who can not speak, read or write the English language, to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of this state, instruction in such subjects and in the duties and responsibilities of citizenship.

Parent, etc.,
to compel
attendance
of minor.

SEC. 5. Each parent, guardian or other person having control or charge of any minor required under the provisions of section three of this act to attend special part-time classes, must compel the attendance of such minor upon the same. He must retain a copy of the certificate of school enrollment and permit to work provided for under section four of this act, and must present the same upon request of any officer of the law or other person authorized to enforce the provisions of this act.

Should any such parent, guardian or other person having control or charge of any such minor fail to perform any of the above duties, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be liable, for the first offense, to a fine of not more than ten dollars or to imprisonment for not more than five days, and for each subsequent offense he shall be liable to a fine of not less than ten dollars nor more than fifty dollars, or to imprisonment for not less than five days nor more than twenty-five days, or to both such fine and imprisonment. Penalty.

SEC. 6. The high school board of any high school district wherein a minor resides who has violated section three of this act shall, on the complaint of any person, make full and impartial investigation of all charges against any parent, guardian or other person having control or charge of any such minor for violation of section five of this act. Complaint against parents, etc., violating act.

If it shall appear upon such investigation that any such parent, guardian or other person having control or charge of any such minor has violated the provisions of section five of this act, it is hereby made the duty of the clerk of said board, or other person authorized by said board to bring such actions, to make and file in the proper court a criminal complaint against such parent, guardian or other person having control or charge of any such minor, charging such violation and to see that such charge is prosecuted by the proper authorities; *provided*, that in cities, and in cities and counties, and in school districts having an attendance officer or officers, such officer or officers shall have power, and it shall be their duty, to make and file such complaint and see that said charge is presented by the proper authorities.

SEC. 7. The employer of any minor under eighteen years of age who is too old to be subject to compulsory full-time school attendance under the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, as amended, and who resides in a high school district wherein section three of this act has become operative, shall require of said minor a school enrollment certificate and permit to work issued by a high school or elementary school principal of a school in the district. Said certificate shall be the authorization of the employer to employ said minor for the period between the date of the issuance of the certificate and the date of its expiration. Under no conditions shall any person employ a minor under eighteen years of age who is too old to be subject to compulsory full-time school attendance under the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, as amended, and who does not present such a school enrollment certificate and permit to work. The employer shall file and retain permanently said school enrollment certificate and permit to work. Within five days after the beginning of Employer of minor to require certificate.

Notice to
principal of
employment.

Time at
school and
at work
not to exceed
eight hours.

Penalty
for illegal
employment
of minor.

Action by
school board.

employment he shall send to the principal of the school issuing said enrollment card and permit to work a written notification of such employment. In said notification he shall briefly describe the character of the work performed by the minor and the time of day during which and the days of the week on which he is employed. Said employer shall retain and file, with the enrollment certificate and permit to work mentioned above, a copy of this notification; *provided*, that, except in agricultural and home-making occupations, it shall be illegal for any one or more employers to employ a minor under eighteen years of age for a greater number of hours each day than will, if added to the number of hours that he is compelled to attend school under the provisions of this act, equal eight hours. It is hereby made the duty of the principal of the school which any pupil subject to the provisions of this act attends, to add his hours of compulsory daily school attendance and employment, and should the sum of such school attendance and employment exceed eight hours for any day of the week, said principal shall give notification to this effect to any employer who may be employing any such pupil after he has already served eight hours in compulsory school attendance and at employment for any such day. Except in agricultural or home-making occupations, it shall be illegal for any employer knowingly to employ on any day a minor under eighteen years of age who is subject to the provisions of this act, and who has already served during said day eight hours of time in compulsory school attendance and at employment combined.

SEC. 8. Any person, firm, corporation, agent or officer of a firm or corporation that violates or omits to comply with any of the provisions of this act, or that employs or suffers any minor under eighteen years of age who is too old to be subject to compulsory full-time school attendance under the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, as amended, to be employed in violation thereof, is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment for each and every offense. Failure to produce an enrollment certificate and permit to work, such as that provided for in section four of this act, and a duplicate of the written notification of employment sent to the high school board, as provided for in section seven of this act, shall be prima facie evidence of the illegal employment of any minor whose enrollment certificate and permit to work is not produced.

SEC. 9. It shall be the duty of the clerk of the high school board, a truant officer or other person authorized by said board to bring such actions, to bring an action against any person,

firm, corporation, agent or officer of a firm or corporation that employs a minor in violation of the provisions of this act.

SEC. 10. Should any controversy arise in any high school district in this state over the question as to whether any person is exempt from the compulsory attendance features of this act, or over the question as to whether attendance on part-time classes maintained by other agencies may be accepted in lieu of attendance upon the classes contemplated by this act, the school superintendent having jurisdiction over said district shall provide for an investigation and he shall render a decision; *provided*, that should any of the parties to any such controversy not be satisfied with the decision of the superintendent of schools they may appeal from his decision to the superintendent of public instruction who shall provide for a further investigation, upon the findings of which he shall decide the matter; *and provided, further*, that no such instruction by other agencies shall be accepted in lieu of the instruction provided by part-time classes under the provisions of this act unless the necessary instruction is given in citizenship and in addition thereto such elementary and secondary school subjects as may be desired by the persons attending these classes or by their parents or guardians.

Settlement
of contro-
versies by
school super-
intendent

SEC. 11. All principals of high schools and elementary schools located in high school districts, wherein the provisions of section three of this act have become operative, shall issue to all pupils enrolled in their respective schools, who are not otherwise subject to the provisions of this act, who are too old to be subject to compulsory full-time school attendance under the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, as amended, and who are under the age of eighteen years, a combined school enrollment certificate and permit to work, similar to that provided in subdivision first of section four of this act, but modified to meet the needs of full-time day schools; and the principals of all high schools wherein reside persons under eighteen years of age who are exempt under the provisions of section three of this act shall, upon request, register such persons and shall issue to them enrollment certificates and permits to work, which shall state the causes of exemption.

Certificates
to pupils
in full-time
day schools.

SEC. 12. Should any of the provisions of this act be in conflict with any of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, as amended, or with any of the provisions of an act entitled "An act relating to 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, as

Provisions of
earlier acts
to prevail.

amended, said conflicting provisions of this act shall be null and void.

Disposition
of fines.

SEC. 13. Any fine collected under the provisions of this act shall be paid into the high school fund of the high school district wherein the minor resides.

Saturday
classes.

SEC. 14. Any high school board may maintain special part-time classes on Saturdays, and should it appear that five or more minors residing in any high school district which maintains such classes are unable to arrange with their employers for attendance upon such classes maintained on other days and other hours, the high school board of said district must provide instruction for them on Saturday afternoons.

Exemption
from
attendance.

Should it appear that the interest of any minor would suffer if he were compelled to attend a special part-time class under the provisions of this act, the high school board of the high school district in which said minor resides may exempt him from compulsory attendance upon any such class; *provided*, that any such high school board may not exempt, by authority of this section, a number of minors greater than three and in addition thereto a number which shall exceed five per cent of the total number of minors subject to compulsory attendance upon part-time classes in its district under the provisions of this act.

Said board shall cause to be issued to any such exempted minor a combined school enrollment certificate and permit to work which shall contain a statement of the cause of, and the time covered by, such exemption.

Time in
effect.

SEC. 15. The compulsory attendance features of this act, the restrictions relating to the employment of minors under eighteen years of age, and all penalties relating thereto, shall become operative as follows: During the school year 1919-20 and thereafter they shall apply to all persons under twenty-one years of age who are subject to the provisions of this act and who can not speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of this state, and they shall apply also to all other persons subject to the provisions of this act who are less than sixteen years of age. During the school year 1920-21 they shall apply also to all persons subject to the provisions of this act who are less than seventeen years of age, and during the school year 1921-22 and thereafter they shall apply also to all persons subject to the provisions of this act who are less than eighteen years of age.

Minimum
attendance.

No high school board may be required to establish special part-time classes under the provisions of this act unless there are in the district twelve or more minors under eighteen years of age who reside within three miles of a high school in the district and who would become subject, under the provisions of this act, to compulsory attendance upon said classes.

CHAPTER 507.

An act to amend section four thousand two hundred sixty-four of the Political Code, relating to the salaries and fees of officers in counties of the thirty-fifth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-four of the Political Code is hereby amended to read as follows:

4264. In counties of the thirty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 35th class, salaries of officers.

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law to be made, he shall receive his actual expenses in making said register and ten cents per name for every name registered, in lieu of the sum of five hundred dollars heretofore received for performing said duties. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. County clerk.

2. The sheriff, four thousand five hundred dollars per annum. Sheriff.

3. The recorder, three thousand four hundred dollars per annum. Recorder.

4. The auditor, two thousand dollars per annum, and in lieu of fees heretofore paid him under the provisions of section four thousand ninety-nine *a* of the Political Code he shall receive an additional sum of five hundred dollars per annum as compensation for the extra duties imposed by said section four thousand ninety-nine *a*. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. Auditor.

5. The treasurer, two thousand dollars per annum. Treasurer.

6. The tax collector, one thousand eight hundred dollars per annum. Tax collector.

7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars. Assessor.

8. The district attorney, two thousand three hundred dollars per annum. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

Superintendent of schools and secretary of board of education.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. In counties of this class the secretary of the county board of education shall receive the sum 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. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section seventeen hundred seventy of this code.

It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Surveyor.

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

Justices of peace.

13. Justices of the peace, the following salaries to be paid each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace: In townships having a population of five thousand and more, one hundred dollars; in townships having a population of twenty-five hundred and less than five thousand, 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 fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

Constables.

14. Constables the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population

of less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

Population of townships.

15. Each supervisor, one thousand two hundred dollars per annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

Supervisors.

CHAPTER 508.

An act to amend section four thousand two hundred fifty-four of the Political Code, relating to compensation of officers in counties of the twenty-fifth class, and creating the office of county librarian and providing for the appointment and salary thereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-four of the Political Code is hereby amended to read as follows:

4254. In counties of the twenty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries to wit:

Counties of 25th class, salaries of officers.

1. The county clerk, two thousand seven hundred dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; *provided*, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of one thousand eight hundred dollars per annum in equal monthly installments; said chief deputy, in addition to his other duties, to prepare all deeds for the county without extra cost to the county.

County clerk.

One deputy for each department of the superior court in this class of counties who shall receive a salary of one thousand three hundred eighty dollars each per annum, to be paid in equal monthly installments, also one deputy clerk who shall be paid one thousand dollars per annum, to be paid in equal monthly installments; and also a stenographer at a salary of fifty dollars per month for one month preceding an election where a register of voters is required; the salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of the county clerk, the clerk also to receive ten cents a name for

each person registered, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid not to exceed five cents for each elector registered; that any of such deputies as are required to work in the office shall receive not to exceed two dollars and fifty cents per day for the time so employed. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Sheriff.

2. The sheriff, three thousand dollars per annum and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be one chief deputy sheriff at one thousand eight hundred dollars per annum, to be paid in equal monthly installments; and four deputy sheriffs at one thousand three hundred eighty dollars per annum, to be paid in equal monthly installments. The sheriff may also, with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of five dollars when actually engaged in the performance of her duties. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Recorder.

3. The recorder, two thousand two hundred dollars per annum; and said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be collected; *provided*, that in counties of this class there shall be one chief deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum, one indexing deputy recorder who shall receive a salary of one thousand three hundred eighty dollars per annum, and three copyists who shall each receive a salary of one thousand dollars per annum, and such copyists, not exceeding three in number, as are necessary to perform the duties of the office, at a compensation of five cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Auditor.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy auditor who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy auditor who shall receive a salary of one thousand dollars per annum. The auditor may also be allowed, by the board of supervisors, a sum not exceeding six hundred dollars per annum for additional clerical help when, in the opinion of the board of supervisors, such assistance is necessary. It is

hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

5. The treasurer, one thousand eight hundred dollars per annum and the fees and commissions now or hereafter allowed by law. Treasurer.

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of one thousand eight hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector; *also provided*, that in counties of this class there shall be one deputy tax collector for not exceeding four months in each year at a salary of one hundred fifteen dollars per month, also one deputy tax collector for not exceeding six months in each year, at one hundred fifteen dollars per month, said salaries to be paid by the county out of the same fund as the tax collector's. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Tax collector.

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 two deputies who shall be appointed by the assessor, one to receive a salary of one thousand eight hundred dollars per annum and one to receive a salary of one thousand three hundred eighty dollars per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office; *provided, also*, that for each name upon the assessment roll, representing one or more statements in excess of four thousand five hundred, the assessor shall receive fifty cents. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Assessor.

8. The district attorney, two thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney at a salary of one thousand three hundred dollars per annum, and one deputy district attorney at a salary of nine hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of nine hundred dollars per annum, to be paid in equal monthly installments by the county. It is hereby found as a fact that the changes provided District attorney.

for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent of
schools.

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 one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary one thousand eight hundred dollars per annum; also one deputy, who shall receive a salary of one thousand three hundred eighty dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Surveyor.

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of one thousand eight hundred dollars per annum, and one draftsman at a salary of one thousand five hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary actual expense thereof. Also to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m.,

the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eight thousand and less than fifteen thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Classification
of townships.

Justices
of peace.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred forty dollars per month; in townships of the second class, eighty dollars per month; in townships of the third class, fifty-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m. until five o'clock p.m. In townships of the first, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall be allowed not to exceed five dollars per month for office rent. These salaries shall also apply to incumbents.

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, one hundred twenty-five dollars; in townships of the second class, one hundred dollars; in townships of the third class, eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

Supervisors.

15. Supervisors shall receive the sum of seven hundred and twenty dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts, and shall therefore receive for their services as such road commissioners the sum of three hundred dollars per annum, and mileage at the rate of fifteen cents per mile each, one way, for all distances actually traveled by them in the discharging of their duties as such road commissioners; *provided*, that said expense as road commissioners shall not exceed the sum of seven hundred eighty dollars per annum for any of the commissioners. The change in compensation hereby made is not an increase in compensation of a county officer and shall become operative as soon as this act takes effect.

Librarian.

15a. There is created for counties of the twenty-fifth class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred dollars per annum, to be paid at the time and in the manner as other county officers.

Witnesses.

16. Witnesses in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

17. Jurors in a county of this class, both grand and petty ^{Jurors.} jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat in going only, the sum of twenty cents per mile, such mileage to be allowed but once during each session such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

This act to go into effect immediately, and apply to all present incumbents, except as hereinbefore provided and ^{Time in effect.} excepted.

CHAPTER 509.

An act to amend section four thousand two hundred forty-four of the Political Code, relating to salaries and fees of officers in counties of the fifteenth class.

[Approved May 3, 1919. In effect July 22, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-four 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 office, the following salaries, to wit: ^{Counties of 15th class, salaries of officers.}

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are now allowed said clerk by the United States bureau of naturalization; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees who shall be appointed by the county clerk and shall be paid salaries as follows: two deputies at a salary of one hundred twenty-five dollars per month each; one deputy at a salary of seventy-five dollars per month, and one stenographer and one copyist at a salary of seventy-five dollars per month each. ^{County clerk.}

2. The sheriff shall receive four thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: one chief deputy at a salary of one thousand eight hundred dollars per annum; one court room deputy at a salary of one thousand three hundred twenty dollars per annum; one deputy sheriff to act as jailor, at a salary of one thousand three hundred twenty dollars per annum. ^{Sheriff.}

Recorder.

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 nine hundred dollars per annum each. The recorder shall collect and pay into the county treasury the fees required by law; *provided, that when-* ever 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.

Auditor.

4. The auditor shall receive three thousand dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor, one who shall be paid one thousand two hundred dollars per annum and one who shall be paid one thousand eighty dollars per annum and one who shall be paid sixty dollars per month for two months of each year; *and it is further provided, that if the* board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event, he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report.

Treasurer.

5. The treasurer shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him who shall receive a salary of one thousand two hundred dollars per annum.

Tax collector.

6. The tax collector shall receive two thousand eight hundred dollars per annum; and there shall be and there hereby is allowed to the tax collector one deputy who shall be appointed by the tax collector and shall receive a salary of one hundred twenty-five dollars per month.

And there shall be and there hereby is allowed to the tax collector one copyist for not exceeding six months in the year at a salary of seventy-five dollars per month.

License collector.

7. The license collector shall receive ten per cent of all licenses collected by him.

Assessor.

8. The assessor shall receive four thousand dollars per annum; *provided, that in counties of this class there shall be,* and there hereby is, allowed to the assessor the following deputies, clerks and assistants to be appointed by said assessor, which positions are hereby created and the salaries of each of which are hereby fixed as follows: One chief deputy assessor, one thousand eight hundred dollars per annum; eight field deputy assessors for not exceeding four months in any one year, one hundred twenty-five dollars per month; four field deputy assessors for not exceeding three months in any one year, one hundred twenty-five dollars per month; two copyists, one thousand eighty dollars per annum each, and such additional assistants as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of seven hundred eighty dollars per annum, said additional assistants to be paid for their services on the presentation and

filing with the board of supervisors of said county a duly verified claim or claims therefor.

Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties, and the expense thereof shall be a charge against the county. *It is hereby further provided*, that the said assessor shall retain no commissions for the collection of personal property taxes, state poll taxes or road poll taxes, but that all such collections shall be paid into the county treasury and become the property of the county.

9. The district attorney shall receive three thousand six hundred dollars per annum, and said district attorney while in the receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties; and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary of one thousand eight hundred dollars per annum, one stenographer who shall receive a salary of one thousand two hundred dollars per annum and there is hereby allowed the district attorney one detective, to be appointed by him, who shall receive a salary of one thousand two hundred dollars per annum.

District
attorney.

10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Coroner.

11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Public
adminis-
trator.

12. The superintendent of schools, two thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of nine hundred dollars per annum.

Superin-
tendent of
schools.

13. The surveyor shall receive two thousand four hundred dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.

Surveyor.

14. Each supervisor, one thousand two hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars.

Supervisors.

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 three thousand four hundred dollars per annum. In addition thereto he shall receive for transcribing notes, the sum of fifteen cents per folio for the original, and five cents per folio for all copies thereof.

Official
reporter.

Justices
of peace.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of one hundred twenty-five dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of fifty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

Fees.

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

Constables.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over 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 use and benefit, in civil cases only, the following fees, to wit:

Fees.

(1) For serving summons and complaints, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or exc. Fees. 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 person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice's court 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.

Fees.

(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.

Jurors in
superior
courts.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the fifteenth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors in
justices'
courts.

19. The fees of jurors in justice's courts in civil and criminal cases, shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payments of the fees herein provided for.

Salaries
payable
monthly.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

CHAPTER 510.

An act declaring the public highway extending from Long Barn in Tuolumne county to the eastern boundary of the city of Sonora to be a public state highway.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. All that portion of the public highway commencing at the end of the Sonora and Mono state highway at Long Barn in Tuolumne county and leading therefrom to the eastern boundary of the city of Sonora and known as the Sonora and Mono road, is hereby declared to be a state highway and placed under the management and control of the department of engineering; and it shall be the duty of the said department to locate, survey, construct and reconstruct the same, with such variations as may, in the opinion of said department, be advisable.

Sonora and Mono road declared state highway.

SEC. 2. The said department is authorized and directed to take such steps as may be necessary to acquire for the state all rights of way, roads, culverts, bridges, quarries, timber, tools, machinery and appliances necessary for the construction and improvement of the said highway; *provided, however,* that no public corporation or political subdivision of the state shall receive any compensation on account of said road.

Improvement.

CHAPTER 511.

An act to amend section four thousand two hundred fifty-nine of the Political Code, relating to salaries and fees of officers in counties of the thirtieth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-nine of the Political Code is hereby amended to read as follows:

4259. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them, by law or by virtue of their offices, the following salaries, to wit:

Counties of 30th class, salaries of officers.

1. The county clerk, two thousand five hundred dollars per annum; *provided,* that in counties of this class there shall be, and there hereby is, allowed to the county clerk the following deputies, who shall be appointed by the county clerk and who shall be paid salaries as follows: One chief deputy clerk, at a salary of one hundred twenty-five dollars per month, one deputy clerk at a salary of one hundred dollars per month, and

County clerk.

County
clerk.

one stenographer at a salary of seventy-five dollars per month. The salaries of the deputies hereinabove provided for shall be paid by the county in monthly installments, at the time and in the manner, and out of the same fund as the salaries of other county officers are paid; *provided*, that there shall be and hereby is allowed to the county clerk for the making of a complete registration of voters and revising the same from time to time, as required by law, such additional deputy or deputies as he may require and whose compensation in the aggregate shall not exceed five hundred dollars in any one year; *and provided, further*, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of other county officers are paid.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows, to wit: One undersheriff at a salary of two hundred dollars per month, one deputy sheriff at a salary of one hundred dollars per month, and one deputy sheriff at seventy-five dollars per month, who shall be head jailer at the county jail in said county; *provided*, that if the sheriff shall not be allowed the privilege of boarding the prisoners as heretofore provided, in this county, then the deputy who shall be head jailer shall receive the salary of one hundred dollars per month; said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; all fees of every nature and kind collected by the sheriff shall be turned into the county treasurer. The salaries of the deputies hereinbefore provided shall be paid in monthly installments by said county, at the same time and manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the recorder two copyists who shall be appointed by the recorder of said county, each of whom shall be paid a salary of seventy-five dollars per month, which salaries shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Auditor.

4. The auditor, one thousand eight hundred dollars per annum.

Tax
collector.

5. The tax collector, two thousand one hundred 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 seventy-five dollars per month, which salary shall be paid

by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

6. The assessor, three thousand six hundred dollars per annum; and said assessor may appoint one chief deputy, who shall receive a salary of one thousand two hundred dollars per annum, which salary shall be paid by the county in equal monthly installments; also, he may appoint other field deputies whose compensation in the aggregate shall not exceed two thousand dollars in any one year, payable to them in installments, at such time and in such amounts as may be designated by the assessor: *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. All of the salaries of the above deputies shall be paid in the same manner and out of the same fund as the salaries of other county officials are paid. All commissions or fees now or hereafter allowed by law shall be paid into the county treasury and no compensation shall be allowed the assessor for preparing the military roll of a county of this class. The office of the county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. The changes provided in this section do not affect an increase in the compensation of a county officer and shall apply immediately to incumbents. Assessor.

7. The county treasurer, two thousand one hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury; *provided, further*, that in counties of this class the county treasurer may appoint a deputy or deputies whose compensation in the aggregate shall not exceed three hundred dollars in any one year, payable to them in installments at such times and in such amounts as may be decided by the county treasurer; *provided*, that said treasurer shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. All of the salaries of such deputies shall be paid in the same manner and out of the same fund as the salaries of other county officials are paid. Treasurer.

8. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney a stenographer who shall be appointed by the district attorney, and whose salary is hereby fixed at the sum of nine hundred 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; said stenographer shall not receive other compensation by reason of services as stenographic reporter in any action or proceeding. District attorney.

wherein the fee or per diem of the stenographic reporter constitutes a charge against the county; *and provided, further*, that the district attorney in counties of this class shall devote his entire time to the duties of the office and shall not engage in private practice. The amendments provided for in this subdivision as to the district attorney shall take effect on the first Monday in January, 1923. The amendment provided for in this subdivision as to a stenographer for the office of district attorney shall apply immediately upon the taking effect of this act.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. Public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools two thousand five 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 five p.m. He shall be allowed his actual traveling expenses, when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of one thousand dollars per annum, which salary shall be paid by the county in equal monthly installments, and which said salary shall be paid at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools.

Surveyor.

12. The county surveyor, two thousand five hundred dollars per annum; *provided*, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superintendent, then and in that event said county surveyor shall receive a salary of four thousand dollars per annum; and said surveyor may appoint one chief deputy surveyor who shall receive a salary of one thousand eight hundred dollars per annum; also, said county surveyor may appoint another deputy or deputies, the compensation to said deputy or deputies in the aggregate not to exceed twelve hundred dollars in one year, payable to such deputy or deputies in such installments, at such times and in such amounts as may be designated by the county surveyor; *provided*, that the county surveyor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid; *provided, further*, that in counties of this class there shall be and hereby is allowed to the county surveyor a stenographer who shall be appointed by said county surveyor and whose salary is hereby fixed at the sum of nine hundred dollars per annum. The salary of said chief deputy and said

stenographer shall be paid in the same manner and out of the same funds as the salaries of county officers are paid.

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 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.

Board of education.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is four thousand or more, one hundred fifty dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand and less than four thousand, eighty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month; *provided*, that the justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same; *provided, further*, that no justice of the peace shall hold the office of city recorder.

Justices of peace.

15. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is four thousand or more, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting or conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Constables.

16. For the purposes of subdivisions fourteen and fifteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables

Population of townships.

in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination. It is hereby found, as a fact, that the salaries provided for in subdivisions fourteen and fifteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors.

17. Each member of the board of supervisors, one thousand two hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

Salaries payable monthly.

18. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

Jurors.

19. For acting as a grand juror in the superior court, for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile.

CHAPTER 512.

An act to amend section one thousand nine hundred eighty of the Civil Code, relating to termination of employment.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand nine hundred eighty of the Civil Code is hereby amended to read as follows:

Contracts for service limited to five years.

1980. A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, can not be enforced against the employee beyond the term of five years from the commencement of service under it; but if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

CHAPTER 513.

An act to amend section four thousand two hundred thirty-five of the Political Code, relating to the compensation and fees of officers of counties of the sixth class and their deputies, clerks and employees.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-five of the Political Code of the State of California, is hereby amended to read as follows:

4235. In counties of the sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Counties of 6th class, salaries of officers.

1. The county clerk, three thousand six hundred dollars per annum and also such compensation as is now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be, and there is hereby allowed to the county clerk, the following deputies, clerks and employees to be appointed by said county clerk, which positions are hereby created, and the salaries of which are hereby fixed as follows: County clerk.

One chief deputy, who shall serve as chief deputy and registrar of voters, two thousand four hundred dollars per annum; one deputy, two thousand two hundred eighty dollars per annum; five deputies, one thousand eight hundred dollars, each, per annum; eight deputies, one thousand five hundred dollars, each, per annum; *provided*, that whenever a special state, or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and he is hereby allowed the following additional help: Five clerks for a period of, and not exceeding, sixty days, immediately preceding such election day, whose salary shall be one hundred dollars, each, per month; *provided, further*, that in such years as the compilation of a great register of voters is required by law, to be made, the county clerk in counties of this class, shall be, and he is hereby allowed the following additional help: As many clerks as are necessary, in his discretion, from January first to November first, at one hundred dollars, each, per month, and whose compensation shall not exceed the sum of two thousand five hundred dollars in the aggregate for all clerks so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as may be necessary for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more, inhabitants, shall be paid the sum of ten cents per name, for each person legally registered by him, and that each said deputies, within the corporate limits of a municipality

County
clerk.

containing twenty-five thousand or more inhabitants, shall be paid the sum of five cents per name for each person legally registered by him, and the said registration deputies to be paid for their services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk.

The salaries and compensations of each of said deputies, clerks and employees 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.

No deputy or employee, other than those above mentioned, shall be allowed the county clerk in counties of the sixth class, nor shall any legal charge accrue against the said county for any other deputies or employees employed or appointed by the county clerk or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the county clerk or any of his deputies or employees.

Sheriff.

2. The sheriff shall receive three thousand six hundred dollars per annum, salary; the sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of said county, and shall also receive his necessary expense in all criminal cases. The sheriff shall also be paid twelve and one-half cents per meal each for all meals furnished prisoners confined in the county jail. That in counties of this class there shall be and there is hereby allowed to the sheriff, the following deputies, jailers and bailiffs to be appointed by the said sheriff, which positions are hereby created and the salaries of which are hereby fixed as follows: One deputy who shall act as undersheriff at a salary of two thousand two hundred eighty dollars per annum; one deputy who shall act as chief criminal deputy at a salary of one thousand eight hundred dollars per annum; nine deputies who shall act as criminal deputies, bailiffs and jailers at a salary of one thousand five hundred dollars per annum; one matron to attend female prisoners at a salary of one hundred dollars per month, one deputy to act as engineer or fireman to attend to the heating apparatus in the county jail, at a salary of one hundred dollars per month. All deputies herein mentioned shall be paid at the same time and manner that their principal is paid.

No deputy or employee, other than those above mentioned, shall be allowed the sheriff in counties of the sixth class, except in extreme cases of riot or disorder or when necessary to preserve the public peace, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the sheriff or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the sheriff or any of his deputies or employees, except in extreme cases of

riot or disorder, or when necessary to preserve the public peace.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies, clerks and copyists, who shall be appointed by such recorder and shall be paid salaries and compensations as follows: Recorder.

One comparing clerk, at a salary of one thousand eight hundred dollars per annum; one chief deputy, at a salary of two thousand two hundred eighty dollars per annum; one mortgage clerk, at a salary of one thousand three hundred twenty dollars per annum; one index clerk at a salary of one thousand eight hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed four, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand three hundred twenty dollars each, per annum; said recorder may also appoint two filing clerks, at a salary of one thousand three hundred twenty dollars each, per annum. 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.

No deputy or employee, other than those above mentioned, shall be allowed the recorder in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the recorder or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the recorder or any of his deputies or employees.

4. The auditor, three thousand six hundred dollars per annum; that in counties of this class there shall be, and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies who shall be appointed by the auditor of such county, and shall be paid salaries and compensations as follows: Auditor. One chief deputy at a salary of two thousand two hundred eighty dollars per annum; one redemption deputy at a salary of one thousand nine hundred eighty dollars per annum; one warrant deputy at a salary of one thousand nine hundred eighty dollars per annum; one claim expert at a salary of two thousand one hundred dollars per annum; one statistician, at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; one deputy auditor at a salary of one thousand three hundred eighty dollars per annum and such additional assistants as the auditor may require and whose compensation shall not

Auditor. exceed five hundred forty dollars per annum in the aggregate for all assistance so rendered; *and provided, further*, that the auditor shall certify thereon to the correctness of such claims for said additional assistance. The salaries herein provided for 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 auditor is paid.

No deputy or employee, other than those above mentioned shall be allowed the auditor in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the auditor, or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the auditor or any of his deputies or employees.

Treasurer. 5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the following deputies, to be appointed by said treasurer, which positions are hereby created: One chief deputy, at a salary of two thousand two hundred eighty dollars per annum; one deputy to act as a warrant clerk at a salary of one thousand nine hundred eighty dollars per annum; one deputy to act as assistant warrant clerk, at a salary of one thousand five hundred dollars per annum. The salary of each said deputies and warrant 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; *it is hereby further provided*, that in counties of this class, the treasurer shall receive the commission heretofore or hereafter allowed by law.

No deputy or employee, other than those above mentioned, shall be allowed the treasurer in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the treasurer or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the treasurer or any of his deputies or employees.

Tax collector. 6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector, the following deputies, bookkeepers and assistants to be appointed by said tax collector, which positions are hereby created: One chief deputy, at a salary of two thousand two hundred eighty dollars per annum; one office deputy, at a salary of one thousand six hundred twenty dollars per annum; and one bookkeeper at a salary of one thousand six hundred twenty dollars per annum; and one deputy, which office is hereby created, who shall be correspondence and mail clerk at a salary of one thousand three hundred twenty dollars per annum; *provided, further*, that the tax collector shall have two additional deputy tax

collectors to serve as such for a period of six months in each year and who shall receive a salary of one hundred ten dollars each month, also three additional deputy tax collectors to serve as such for a period of three months in each year and who shall receive a salary of one hundred ten dollars, each, per month; also one additional deputy tax collector to serve as cashier for two months in each year and who shall receive a salary of one hundred ten dollars, each, per month, all of which shall be paid by the county. The salaries of all deputies, assistants, and bookkeepers herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the tax collector is paid. Tax collector.

No deputy or employee, other than those above mentioned, shall be allowed the tax collector in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the tax collector or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the tax collector or any of his deputies or employees.

7. The license collector, one thousand eight hundred dollars per annum; said license collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and he shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived. License collector.

No deputy or employee, other than those above mentioned, shall be allowed the license collector in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the license collector or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the license collector or any of his deputies or employees.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of which are hereby fixed as follows: One assistant county assessor at two thousand two hundred eighty dollars per annum; one chief deputy assessor, at one thousand nine hundred eighty dollars per annum; one office deputy assessor, at one thousand six hundred eighty dollars per annum; one city real estate valuation deputy, at one thousand six hundred eighty dollars per annum; one country real estate valuation deputy, for not exceeding eight months in any one year, at a salary of one hundred forty dollars per month; one mortgage and transfer assistant assessor, at a salary of one thousand five hundred dollars per annum; one field deputy assessor, for not exceeding six months in any one Assessor.

Assessor.

year, at a salary of one hundred forty dollars per month; one head country field deputy, for not exceeding four months in any one year, at a salary of one hundred forty dollars per month; one head city field deputy, for not exceeding four months in any one year, at a salary of one hundred forty dollars per month; six field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred forty dollars each, per month; ten field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred twenty-five dollars per month each; two clerks, for not exceeding two months in any one year, at a salary of one hundred fifteen dollars each, per month. The salaries of the assistant county assessor, chief deputy assessor, office deputy assessor, city real estate valuation deputy, country real estate valuation deputy, head country field deputy, head city field deputy, clerks, mortgage and transfer assistant assessor, and field deputy assessors herein provided for shall be paid by the said county in monthly installments at the same time, manner, and out of the same fund as the county assessor is paid; *it is hereby further provided*, that in counties of this class, the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive such compensation or commission for the collection of poll taxes or road poll taxes.

No deputy or employee, other than those above mentioned, shall be allowed to the assessor in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the assessor or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the assessor or any of his deputies or employees.

District attorney.

9. The district attorney, five thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby created and allowed to the district attorney, the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; two deputy district attorneys, whose salaries are hereby fixed at the sum of two thousand four hundred dollars each per annum, whose duties it shall be, in addition to performing services as deputy district attorneys, to attend preliminary examinations held in all police and justices' courts in the county and conduct on behalf of the people all prosecutions for felonies at such preliminary examinations, and, also, to attend and appear before the juvenile court of said county and prosecute proceedings therein; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum;

one county detective, who shall perform such duties as may be required of him by the district attorney, or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid the actual and necessary expenses incurred by him in the performance of his official duties: *provided, further*, that the said county detective shall file with the board of supervisors, a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; and *provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county.

District
attorney.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction. The coroner in counties of this class shall be and he is hereby allowed the following assistants, namely, one deputy and one stenographer, which offices are hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of one thousand three hundred twenty dollars per annum; the salary of said stenographer shall be one thousand five hundred dollars per annum, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into long-hand and file a verified copy thereof with the county clerk. The salaries of said deputy and stenographer shall be paid by the county in the same manner, at the same time and out of the same fund as other county officers are paid. The said deputy coroner and the said stenographer shall each be appointed by the coroner.

Coroner.

No deputy or employec, other than those above mentioned, shall be allowed the coroner, in counties of the sixth class, nor shall any legal charge for salary accrue against the said county

for any other deputy or employee employed or appointed by the coroner or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the coroner or any of his deputies or employees.

Public
adminis-
trator.
Superin-
tendent of
schools.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of the county, not exceeding five hundred dollars per annum; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation, the sum of two thousand one hundred dollars per annum, and the said superintendent of schools may appoint one deputy superintendent of schools which office is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, the salary of said assistant superintendent of schools and deputy superintendent of schools is payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section one thousand seven hundred seventy of this code.

No deputy or employee, other than those above mentioned, shall be allowed the superintendent of schools, in counties of the sixth class, nor shall any legal charge for salary accrue against the said county for any other deputy or employee employed or appointed by the superintendent of schools or the board of supervisors or any other authority in counties of the sixth class, that are in any manner used or employed to assist the superintendent of schools or any of his deputies or employees.

Surveyor.

13. The surveyor, two thousand four hundred dollars per annum and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field: *provided*, that in

counties of this class whenever the board of supervisors shall order or the assessor may require assessor's map or block-books, then the surveyor shall receive, in addition to the salary above noted, the sum of one thousand five hundred dollars additional expenses required for the preparation and completion of said maps or block-books.

14. In counties of the sixth class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

Justices
of peace.

(1) In townships having a population of twenty-five thousand or more, justices of the peace shall each receive a salary of three hundred dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, however*, that in all such townships having a population of twenty-five thousand or more, there shall be one clerk to be appointed by the justices of the peace, such clerk to receive a salary of one hundred fifteen dollars per month, payable monthly in the same manner as salaries of county officers are paid.

(2) In townships having a population of five thousand and less than twenty-five thousand, justices of the peace shall receive the sum of one hundred forty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(3) In townships having a population of three thousand and less than five thousand, justices of the peace shall each receive the sum of one hundred twenty-five dollars as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein the justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(4) In townships having a population of two thousand and less than three thousand, justices of the peace shall each receive the sum of one hundred dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

Justices
of peace.

(5) In townships having a population of nine hundred and less than two thousand, justices of the peace shall each receive the sum of seventy-five dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(6) In townships having a population of less than nine hundred, justices of the peace shall each receive the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants or in which a penal institution is located shall be allowed a salary of one hundred forty dollars per month each, as full compensation for all services rendered by them in both criminal and civil cases and in all cases wherein the justices of the peace perform the duties of coroner, and all fees chargeable and collectible by said justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. The population referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace shall be the population found and determined by the federal census taken in the year 1910; *provided*, that if the township census be taken after the taking of the federal census under the provision of section four thousand fifty-five, then said census shall be known and shall become the official census of the townships in which the same is taken, and the population therein determined shall be and become the official population of said township.

Constables.

15. Constables, in townships having a population of between nine hundred, and one thousand, and between two thousand two hundred and two thousand four hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred twenty-five dollars per month each, in lieu of all fees in criminal cases; *provided, further*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants,

or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, further*, that constables, in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants, and constables in townships in which a state penal institution is not located, shall receive in addition to the fees now provided by law, three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

16. Each supervisor, one hundred twenty-five dollars per month, and in addition thereto the board of supervisors as a whole shall be allotted and paid five hundred dollars per year for traveling expenses, and ten cents per mile for traveling to and from the county seat; *provided*, mileage for traveling to and from the county seat shall not be allowed oftener than once in each month. Supervisors.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors. Offices to be separate.

18. For attending as juror in any court, for each day's attendance, per diem three dollars. For each mile actually traveled in attending court as juror, or as juror of the grand jury, in going only, per mile, fifteen cents. In addition to the foregoing, each member of the grand jury committees in the performance of their duties be paid for each mile actually traveled going only, fifteen cents. Jurors.

19. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such service as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry. Analyst.

20. In townships containing twenty thousand or more inhabitants, the board of supervisors shall furnish the justice of the peace and the constables of such townships, an office, to be occupied by such justice and constables jointly. Office accommodations for justices and constables.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Repealed.

CHAPTER 514.

An act to amend section one thousand seven hundred forty-two of the Political Code, relating to high schools.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred forty-two of the Political Code is hereby amended to read as follows:

Location for
high school
in new
district.

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 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.

Change of
location.

The location which receives the largest number of votes shall be chosen as the location of the high school. *With the following exception*, 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 of 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 the case of the election for the formation of the district; *provided, however*, that when any location has been once established in any of said districts, and said location lies within the corporate limits of any incorporated city or town, any change of location within the corporate limits of said city or town may be made upon any such change of location receiving the vote of the majority of the board of trustees of any such district whenever a new building is to be erected.

CHAPTER 515.

An act granting certain tidelands and submerged lands of the State of California to the city of Emeryville, and regulating the management, use and control thereof.

[Approved May 23, 1919. In effect July 23, 1919.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the city of Emeryville, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the city of Emeryville, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

Tidelands granted to Emeryville.

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city or its successors shall not, at any time, grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation, for any purposes whatever; *provided*, that said city or its successors may grant franchises thereon, for limited periods, but in no event exceeding fifty years, for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding fifty years, for the purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

Use of lands.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

Improvement of harbor.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

Rates, tolls, etc.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

Right to fish reserved to people.

CHAPTER 516.

An act to amend section one of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Oakland, and regulating the management, use and control thereof," approved May 1, 1911, and an act amendatory thereof, approved April 5, 1917.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 63.

SECTION 1. Section one of the act entitled "An act to amend section one of an act entitled 'An act granting certain tidelands and submerged lands of the State of California to the city of Oakland, and regulating the management, use and control thereof,' approved May 1, 1911," approved April 5, 1917, is hereby amended to read as follows:

Tidelands
granted to
Oakland.

Section 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to tidelands and submerged lands, whether filled or unfilled, which are included within that portion of the city of Oakland that lies westerly of the western line of Pine street, as Pine street exists between Atlantic street and Goss street, and as shown upon that certain map entitled "map of land on Oakland point (railroad ferry landing) city of Oakland, tract 406," filed May 24, 1864 in book of maps 5, page 33, records of Alameda county, and said western line of Pine street produced northerly and southerly, to be forever held by said city and by its successors in trust for the use and purposes and upon the expressed conditions following, to wit:

Use of lands.

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; *provided*, that said city, or its successors, may grant franchises thereon for limited periods, but in no event exceeding fifty years for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding fifty years, for the purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

Improvement
of harbor.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public

harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

Rates, tolls, etc.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

Right to fish reserved to people.

CHAPTER 517.

An act to amend section one of an act entitled "An act to amend an act entitled 'An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof,' approved June 11, 1913," approved May 27, 1915.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one of the act entitled "An act to amend an act entitled 'An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof,' approved June 11, 1913," approved May 27, 1915, is hereby amended to read as follows:

Stats. 1915, p. 901.

Section 1. There is hereby granted to the city of Berkeley, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the city of Berkeley, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

Tidelands granted to Berkeley.

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct

Use of lands.

Use of
lands,
city of
Berkeley.

of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city or its successors shall not, at any time, grant, convey, give or alien said lands or any part thereof, to any individual, firm or corporation, for any purposes whatever: *provided*, that said city or its successors may grant franchises thereon, for limited periods, but in no event exceeding fifty years for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding fifty years, for the purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

Improvement
of harbor.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

Rates,
tolls, etc.

(c) That in the management, conduct or operation of said harbor, or any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

Right to fish
reserved to
people.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

CHAPTER 518.

An act to amend section five hundred six of the Penal Code, in relation to embezzlement.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred six of the Penal Code is hereby amended so as to read as follows:

When
contractor,
etc., guilty
of embezzle-
ment.

506. Every trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator, or collector, or person otherwise intrusted with or having in his control property for the use of any other person, who fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with a fraudulent intent

to appropriate it to such use or purpose, and any contractor who appropriates money paid to him for any use or purpose, other than for that which he received it, is guilty of embezzlement, and the payment of laborers and materialmen for work performed or material furnished in the performance of any contract is hereby declared to be the use and purpose to which the contract price of such contract, or any part thereof, received by the contractor shall be applied.

CHAPTER 519.

An act to authorize the conveyance by the state to the Sacramento and San Joaquin drainage district, or to the United States, upon repayment to the state of the cost thereof, of all or any part of any land, right of way, easement or weir site acquired by the state for any work of river channel excavation, enlargement, rectification or control or for the construction of any weir, forming part of the plans approved by the state for flood control in the Sacramento or San Joaquin valleys, and reappropriating the amount so repaid to reimburse the appropriation out of which the same was paid by the state.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. All or any part of any land, right of way or easement required for any work of channel excavation, enlargement, rectification or control or for any site for the construction of any weir, forming part of or incidental to any plan approved by the state for flood control in the Sacramento or San Joaquin valleys, which land, right of way or easement or weir site has been or may hereafter be acquired by the State of California, may, at the request of the reclamation board and with the approval of the state board of control, be sold to the Sacramento and San Joaquin drainage district at a purchase price equal to the cost thereof to the state, to be determined by said board of control, and upon payment to the state of such purchase price, so determined, may be conveyed to the Sacramento and San Joaquin drainage district, or to the United States, as may be requested by the reclamation board.

Conveyance of lands, etc., to Sacramento and San Joaquin drainage district authorized

SEC. 2. The chairman of the state board of control is hereby empowered, when so authorized by said board of control, to execute and deliver any such conveyance in the name and on behalf of the State of California, upon payment to the state treasurer of the purchase price.

Conveyance.

Purchase
price.

SEC. 3. Such purchase price, when so paid to the state treasurer, shall be credited back to the appropriation out of which the cost of acquiring such land, right of way, easement or weir site was paid by the state, and is hereby reappropriated and shall be available for the same purposes for which such appropriation was made.

CHAPTER 520.

An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin drainage district based upon assessments levied by the reclamation board upon lands in said district.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

"Reclamation board act."

SECTION 1. The words "reclamation board act" when used herein are intended to refer to and mean that certain act of the legislature of the State of California entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries, or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make a report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended by those two certain acts of the legislature of the State of California approved May 27, 1913, and June 9, 1915, respectively, in which act as so amended it is provided in section thirty-one thereof that said act shall be known and may be cited and referred to as the "reclamation board act."

Provisions of reclamation board act regarding bond proceedings superceded.

SEC. 2. Whenever any assessment levied by the reclamation board upon lands within the Sacramento and San Joaquin drainage district has been completed and all of the hearings before the reclamation board in regard thereto have been heard and the reclamation board is ready to make its order approving such assessment as finally fixed, as directed by section thirteen of said reclamation board act, the reclamation board may at the time of making said order finally approving the assessment, and in and by such order and as a part thereof, also determine that in its judgment it would be for the best interests of the owners of land in the Sacramento and San Joaquin drainage district affected by said assessment to issue bonds for the purpose of obtaining money to pay the cost of the works or other

expenses for which such assessment was levied; and if the reclamation board shall so determine in and by its said order, then the subsequent proceedings in and about the matter of such assessment and the collection thereof and all other proceedings for the raising of money to be used for the purposes for which said assessment was levied, shall be as in this act provided, notwithstanding any provision or provisions in regard thereto in said reclamation board act contained.

SEC. 3. If the reclamation board shall so determine that in its judgment it would be best to issue bonds as aforesaid, then the original assessment lists shall not be deposited in the offices of the respective county treasurers as directed by section fourteen of the reclamation board act, but shall be retained in the office of the reclamation board until after final determination of the judicial proceeding provided for in section four of this act.

Assessment lists retained.

SEC. 4. If the reclamation board shall in its order approving such assessment as finally fixed determine that in its judgment bonds should be issued as aforesaid, said board shall thereupon and within ten days after the passage of its said order commence a judicial proceeding for the validation of said assessment, which judicial proceeding shall be commenced, prosecuted and determined as hereinafter in sections five to thirteen, inclusive, of this act provided. During said period of ten days no action or proceeding shall in such case be commenced by any party other than said reclamation board to contest or in any manner question or interfere with the validity of said assessment, nor shall any action be commenced to have the assessment upon any land modified or annulled as provided in section thirteen of the said reclamation board act; nor shall any such action or proceeding of any kind be commenced by any party other than the reclamation board at any time thereafter: *provided*, the reclamation board shall itself within said period of ten days have commenced said judicial proceeding to validate said assessment as herein provided.

Judicial proceeding to validate assessment.

SEC. 5. Within said period of ten days after the passage by the reclamation board of its order approving said assessment as finally fixed by said board, the reclamation board shall commence in the superior court of the State of California in and for the county within which the largest acreage of land affected by said assessment is situate, a proceeding to validate said assessment, which proceeding shall be commenced by filing a copy of the assessment lists for said assessment, together with a copy of said order of the reclamation board approving said assessment as finally fixed by said board, both duly attested by the certificate of the secretary or assistant secretary of the reclamation board, in the office of the county clerk and ex officio clerk of the superior court in and for the county in which said proceeding is commenced. Thereupon the reclamation board shall notify the governor of the commencement of such proceeding and thereupon it shall be the

Action in county with largest acreage of land affected.

Appointment of judges.

Appointment
of judges.

duty of the governor to designate three judges of the superior court in the State of California, from counties or cities and counties wholly outside the said Sacramento and San Joaquin drainage district, and it shall be the duty of said three judges to sit in bank in said proceeding so commenced. Upon the filing of said assessment lists it shall be the duty of said county clerk to fix a time not less than thirty nor more than forty days from the date of such filing when objections will be heard to the said assessment lists, and thereupon it shall be the duty of said clerk to give notice of the time and place of such hearing by publishing a notice for once a week for four weeks in a newspaper of general circulation published in each county in said drainage district wherein any lands affected by said assessment are situated, and if in the case of any such county no newspaper be published in the county, or if for any reason such notice can not be published therein, then such notice shall be published in a newspaper of general circulation published in an adjoining county. Affidavits showing such publications shall, prior to such hearing, be filed with said county clerk.

Notice of
hearing.

Place of
sessions.

SEC. 6. Said court may for the convenience of witnesses and shall upon written demand of ten interested parties filed in the proceeding, by order duly given and made, conduct sessions and take evidence in said proceeding in any county in said drainage district in which lands affected by said assessment are situated.

Filing of
written
objections.

SEC. 7. At any time before the day for such hearing fixed in the notice published by said county clerk, any person interested in any land upon which any charge has been assessed in and by said assessment, may file in said proceeding written objections to said assessment, stating in detail the grounds therefor, which said statement shall be verified by the affidavit of such person or of some other person who is familiar with the facts.

Hearing.

SEC. 8. At said hearing or any adjournment thereof, the said court shall hear such evidence as may be offered touching the correctness or validity of such assessment or the manner of its apportionment and as expeditiously as possible shall determine and pass upon all such written objections filed in said proceeding, and shall make and enter its judgment approving said assessment or annulling, modifying or amending the same or any part thereof. Such judgment shall refer to the assessment apportioned to each county separately and it shall be sufficient to refer to the portions of said assessment which are affected thereby. The decision of a majority of said court shall be final and conclusive, and no motion for a new trial of said proceeding shall be allowed, and no appeal from the judgment given and made by said court shall be had.

No reapportionment
when.

SEC. 9. Unless the aggregate amount of the whole of such assessment shall be modified or amended by the judgment in said judicial proceeding so as to cause a difference of more than two and one-half per cent greater or less than the original

total amount of said assessment, it shall be deemed that the assessment has not been substantially modified and no necessity shall exist for a reapportionment thereof.

SEC. 10. Thereupon and thereafter said assessment lists, unless annulled by the judgment in said judicial proceeding, embracing any modifications made by said judgment shall be conclusive evidence that said assessment has been apportioned according to the benefits that will accrue to each tract of land in such drainage district by reason of the expenditure of the sums of money to be raised thereby.

Assessment lists conclusive evidence.

SEC. 11. A certified copy of said judgment referring to said assessment lists shall be filed in the office of the reclamation board; and a certified copy of so much of said judgment as relates to the lands in each of said counties affected thereby shall be affixed to the original assessment list for such county; and the reclamation board shall thereupon cause such amendments or modifications to be made and entered upon the original assessment lists as may be necessary to make them conform to the provisions and directions of said judgment. Thereupon the said assessment lists shall be certified to by the secretary or assistant secretary of the reclamation board as being in conformity with the requirements of said judgment.

Certified copies of judgment filed.

SEC. 12. No objection to said assessment shall be considered by such court unless such objection shall have been made in writing to the reclamation board as provided in section thirteen of the reclamation board act; and excepting in the said judicial proceeding herein provided for no action or defense shall ever be maintained attacking the said assessment in any respect.

Objections must be in writing.

SEC. 13. In the event that said assessment shall by the judgment in said judicial proceeding be annulled as a whole, it shall be the duty of the reclamation board to cause a new assessment to be made as provided in the reclamation board act, and thereafter the same proceedings shall be had in regard thereto as herein provided.

New assessment in case of annulment.

SEC. 14. Said assessment lists when the same have been so modified and amended if necessary to conform to the requirements of said judgment and have been certified to as provided in section eleven of this act, shall thereupon be by the reclamation board filed in the offices of the county treasurers, respectively, of the several counties in which are situated any of the lands assessed thereby. Each such county treasurer shall endorse thereon the time to the hour and minute when the same was so filed in his office; and from that time such assessment shall constitute a lien upon the lands in such county so assessed, and shall impart notice to all subsequent purchasers or encumbrancers or any person acquiring any interest in or lien upon said lands.

Assessment becomes lien on land on filing of list.

SEC. 15. At any time within thirty days after said assessment list has been so filed in the office of the county treasurer as provided in section fourteen hereof, the whole amount of such assessment upon any tract of land therein separately

Payment of assessments.

Payment of
assessments.

assessed may be paid in cash to the county treasurer and thereupon the county treasurer shall issue his receipt therefor and shall endorse the fact and date of such payment upon the assessment list, and thereupon the lien of such assessment upon such tract of land shall cease. The report of such payment shall be made by the county treasurer at once to the secretary of the reclamation board, and the amount so received by the county treasurer shall, within thirty days after the receipt thereof by him, be deposited by him with the state treasurer and shall be by said state treasurer safely kept and credited to the construction fund of said assessment.

Interest
on unpaid
assessments.

SEC. 16. All assessments not paid in full within said period of thirty days as provided in section fifteen hereof shall bear interest at the rate of seven per cent per annum from and after the expiration of said period of thirty days.

Election to
determine
method of
paying cost
of works.

SEC. 17. Upon the expiration of said period of thirty days mentioned in section fifteen of this act, an election shall be called and held by the reclamation board in that part of said Sacramento and San Joaquin drainage district affected by said assessment or the issuance of said bonds, to determine whether the money necessary to pay the cost of the works and other expenses to be paid out of such assessment shall be raised by calls to be made upon such assessment in such installments as may from time to time be determined by said board, or whether bonds of the Sacramento and San Joaquin drainage district shall be issued in an amount equal to the amount of such assessment then remaining unpaid, which amount shall be entered by the board in its records and stated by said board in its order for said election, which order shall be entered upon the minutes of said board.

Polling
places.

SEC. 18. The reclamation board shall in its order providing for said election specify the day on which said election shall be held and shall specify and designate one or more polling places as it may determine to be necessary in each supervisor district wherein are situated any of the lands affected by said assessment for the holding of such election. In case the board shall consider it necessary or proper to provide more than one polling place in any supervisor district for the holding of such election, the board shall in said order divide the lands in such supervisor district and within said Sacramento and San Joaquin drainage district, into separate voting districts, and shall designate and provide one polling place for and within each such voting district at which shall be cast the votes of the owners of land within such voting district. The board may, however, combine contiguous portions of different supervisor districts into one voting district in cases where the lands in such voting district shall not be assessed to more than one hundred different owners, counting one owner for each tract assessed to unknown owners and counting the estate of a deceased person as one owner.

SEC. 19. The reclamation board shall also in said order providing such election appoint a board of election for each such polling place, which board of election shall consist of three owners of land assessed in and by said assessment and situated within such voting district where such polling place is located. Each member of such board of election, whether so appointed by the reclamation board or whether acting as a substitute as hereinafter provided, shall be entitled to the sum of five dollars for his services as such, to be paid by said board out of any funds of the Sacramento and San Joaquin drainage district or of said board applicable thereto.

Board of election.

SEC. 20. Notice of such election must be given by the reclamation board by posting notices thereof in at least three public places in each voting district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of the lands assessed in and by said assessment may be situated. Such notice must specify the time and place of holding such election, the aggregate face value of bonds proposed to be issued, and the names of the persons appointed to act as the board of election. Affidavits of publication and posting of such notices must be filed with the county clerk of the county in which the same have been posted or published, together with a copy of said order calling such election certified to by the secretary or assistant secretary of the reclamation board. Duplicate original affidavits of publication and posting of such notice shall also be filed in the office of the reclamation board.

Notice of election.

SEC. 21. At such election the owner or owners of each tract of land assessed in and by such assessment, upon which tract of land the assessment has not been paid as provided in section fifteen of this act, shall have the right in person or by proxy to cast one vote for each one cent of the amount for which said tract of land is assessed by said assessment. In case there shall be more than one owner of any tract of land separately assessed in and by said assessment, all of such owners shall unite in the ballot to be cast at such election for and on behalf of such tract of land, or shall authorize one or more of their number or some other person to cast such vote for them by proxy.

One vote for each one cent of assessment.

SEC. 22. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may vote at said election without obtaining special authority therefor. The vote of any public or private corporation or of any reclamation district, levee district, drainage district or other public agency entitled to vote at such election, may be cast by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing and certified to by the secretary or clerk thereof and attested by its seal duly acknowledged and filed

Vote of guardians, corporations, etc.

Vote by
proxy

with the board of election. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly executed, acknowledged and certified in the same manner as grants of real property and filed with the board of election. In case of the change of ownership of any tract of land, or in case the name of the owner of any tract of land be not correctly stated in the voting list, or in case it be assessed to unknown owners, the right to vote shall belong to the owner of such land at the time of the holding of such election; and if the right of any person to vote as the owner of any such tract of land be disputed or challenged, the question of his right to vote shall be determined by the board of election after examining him under oath, which oath any member of such board of election is hereby authorized to administer, and any person testifying falsely upon such examination shall be guilty of perjury. Any person voting or attempting to vote at such election who is not entitled to vote at such election, as herein provided, shall be subject to the same penalties and punishments as provided by the general election laws of this state, for voting or attempting to vote illegally.

Voting
lists.

SEC. 23. The reclamation board shall, prior to such election, cause to be prepared and certified by its secretary or assistant secretary, and furnished to the board of election in each such voting district, a true and correct voting list containing the reference number of each tract separately assessed upon the assessment list, to whom assessed, and the amount of the assessment thereon with reference to which the election is to be held, which voting list shall be used by the board of election in determining the right to vote and the number of votes to be cast by each voter, and shall be sufficient evidence thereof.

Reference
number of
each tract.

SEC. 24. For the purpose of determining the so-called "reference number" of each tract separately assessed upon the assessment lists, the reclamation board shall, before preparing such voting lists, cause each tract of land separately assessed upon the assessment lists, unless already done, to be given a separate number to be designated as the "reference number" of such tract, which reference numbers shall be entered upon the assessment lists opposite the several tracts separately assessed, respectively.

Ballots.

SEC. 25. The ballot cast at such election shall contain the words "Bonds—Yes," or the words "Bonds—No," and also the signature of the person or persons casting the ballot, with the number of votes cast by such voter. If a ballot is cast by proxy, it shall also contain the name of the landowner for whom the ballot is cast and the signature of the person casting the said vote as such proxy. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and if the ballot be cast by proxy, the name of the person casting it and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds.

SEC. 26. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landowner of the district then present and entitled to vote at such election at such polling place, to fill the position of any such absent member thereof. Each member of such board of election must before entering upon the discharge of his duties as such, take and subscribe an official oath, which oath may be administered by any officer authorized by law to administer oaths, or by any landowner in said drainage district. Such oath shall be to the effect that he will support the constitution of the United States and the constitution of the State of California, and that he will faithfully perform the duties of member of such election board to the best of his ability.

Failure to attend.

Oath of members of board of election.

SEC. 27. The polls at each such polling place for said election shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the day appointed for such election. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing such result and the number of votes cast for and against the issuing of bonds, to the reclamation board, and shall deliver a duplicate thereof to the county clerk of the county wherein such voting district is located, and shall also deliver to said reclamation board all ballots, voting lists and lists of ballots cast at such election, and all documents and papers used thereat. Thereupon the reclamation board shall examine and canvass said certificates received from such boards of election, and shall determine therefrom and declare, and enter in its minutes as the managing body of said Sacramento and San Joaquin drainage district, the total result of such election. Any person interested may within ten days after the result thereof has been so determined and declared by the reclamation board, contest such election so far and to such extent as the same depends upon the votes or proceedings had in the matter of such election in any county, by bringing suit in the superior court of such county, and if no contest shall be so commenced within said time, the declaration of the result by the reclamation board shall be final and conclusive.

Canvass of votes.

Canvass by reclamation board.

SEC. 28. If a majority of the votes cast at such election are in favor of the issuance of bonds, the reclamation board shall cause bonds of the Sacramento and San Joaquin drainage district, in the amount stated in said order calling such election, to be prepared and executed and delivered to the state treasurer. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each. They shall be signed by the president of the reclamation board and attested by the secretary of said board with the seal of said board affixed thereto, and shall be numbered consecutively in the order of their maturity and shall bear date either January first or July first and shall bear interest at a rate to be fixed by the order of the board for issuance of

Bonds issued if majority vote favors.

the bonds not to exceed six per cent per annum payable semi-annually on the first day of January and the first day of July in each year, at the office of the state treasurer upon presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the state controller.

Payment of principal.

SEC. 29. The principal of said bonds shall by an order of said board entered in its minutes, be made payable on the first day of July or the first day of January and in such years as the board may prescribe, but such bonds shall be payable serially within twenty years from their date in the manner following, to wit: Not less than ten per cent of their aggregate face value of such bonds issued shall be payable within ten years from their date, and not less than nine per cent of the aggregate face value of such bonds issued shall be payable each year beginning with the eleventh year from their date until the whole amount of said bonds have been paid; *provided, however*, that the reclamation board may call and redeem such an amount of said bonds as in its judgment it may see fit on any interest date subsequent to the first day of July, 1921, at their face value, with accrued interest to date of redemption. Whenever, at any time not less than four weeks before any semi-annual interest date, the amount of money in the hands of the reclamation board, and applicable to the payment of said bonds, shall amount to a sum of not less than twenty-five thousand dollars, in excess of the amount, if any, falling due on the next two semi-annual interest dates for payments of principal and interest, then and in such case, the said reclamation board shall call and redeem at par, before maturity, so many of the outstanding bonds as such excess will suffice to pay; such bonds to be paid in the regular consecutive order of the serial number of said bonds, beginning with the lowest outstanding number. To effect any such redemption, the reclamation board shall cause to be published once each week for four successive weeks, in a newspaper published in the city and county of San Francisco, in a newspaper published in the city of Sacramento, and in a newspaper published in the city of Los Angeles, a notice stating that at such next semi-annual interest date, the bonds specified in such notice will be redeemed and that there will be due and payable on such bonds at the places specified therein for payment, the amount of the principal thereof with accrued interest.

Redemption of bonds.

Payment of bonds or coupons.

SEC. 30. Out of the bond fund of such assessment the state treasurer shall, on presentation at or after its maturity, pay to the holder thereof each such bond or interest coupon which shall have been sold or which shall have been issued and delivered upon an order of the reclamation board payable in bonds as hereinafter provided. If any bond or interest coupon shall not be presented to the state treasurer for payment when the

same becomes due, it shall cease to bear interest, but if presented at or after such time and not paid for want of funds, the state treasurer shall so indorse such bond or coupon, together with the date of presentation, and thereafter such bond or coupon shall bear interest at the rate expressed in the bond until paid or until funds have been provided in the state treasury applicable to its payment.

SEC. 31. Said bonds may be substantially in the following ^{Form} form: _{of bond.}

UNITED STATES OF AMERICA,

No.-----

State of California.

\$-----

SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT.

Sacramento and San Joaquin drainage district, in the State of California, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the state treasurer of the State of California, on the first day of -----, 19----, the sum of ----- dollars in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid at the rate of ----- per cent per annum, payable at the office of said state treasurer semi-annually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of ----- bonds of like tenor and effect, except as to denomination and maturity, numbered from ---- to -----, inclusive, amounting in the aggregate to \$-----, issued in accordance with an act of the legislature of the State of California approved -----, 1919, authorizing the same, and is based upon and secured by an assessment levied on lands in said drainage district known and designated as (name and number of assessment), validated by a judgment of the superior court of the State of California, in and for the county of -----, on the ----- day of -----, 19---, and filed in the respective offices of the county treasurers of the counties wherein are situated the lands assessed thereby. And the said Sacramento and San Joaquin drainage district does hereby certify and declare that the issuance of said bonds was duly authorized by an election duly called and held upon due notice, and the result thereof was duly canvassed and ascertained in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done precedent to and in the issuance of the said bonds have been done and performed in regular and due form and in strict accordance with the provisions of law authorizing the issuance of the bonds of said Sacramento and San Joaquin drainage district.

IN WITNESS WHEREOF, The said Sacramento and San Joaquin drainage district, acting through the reclamation board

Form
of bond.

of said state, has caused this bond to be signed by the president of said board and attested by the secretary of said board with the seal of said board affixed, this ----- day of -----, 19-----.

President of said Reclamation Board.

Attest: -----

Secretary of said Reclamation Board.

And the interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of the State of California will pay to the holder hereof on the ----- day of -----, 19-----, at his office in the city of Sacramento, State of California, the sum of \$----- in gold coin of the United States, out of the funds of the Sacramento and San Joaquin drainage district applicable thereto, for interest on bond of said district numbered -----.

Attest: -----

State Controller.

Action to
determine
validity
of bonds.

SEC. 32. The reclamation board shall deliver the bonds prepared pursuant to this act duly signed and attested, to the state treasurer. Within ten days after said bonds have been delivered to the state treasurer, an action may be commenced by the reclamation board in the superior court of the State of California, in and for the county within which the largest acreage of land affected by the assessment for which bonds are proposed to be issued is situate, against the lands and all persons owning the same or interested therein, in that portion of the Sacramento and San Joaquin drainage district affected by said assessment or the issuance of said bonds, to have it determined that said bonds are a legal obligation of said drainage district. Such action shall be in the nature of a proceeding *in rem* and the defendants in such action shall be designated as "All persons owning or claiming any interest in or lien upon any lands within the Sacramento and San Joaquin drainage district affected by that certain assessment levied by the reclamation board known and designated as (giving the name and number of the assessment)." It shall be sufficient to describe said lands as all lands affected by such assessment, without a more specific description. A summons shall be issued in such action which summons, besides the matters required by section four hundred seven of the Code of Civil Procedure, shall contain a statement that the action is brought to determine the validity of bonds of the Sacramento and San Joaquin drainage district to the amount stated therein executed by the reclamation board and delivered to the state treasurer and based upon and to be paid out of an assessment levied by said reclamation board upon

lands within the Sacramento and San Joaquin drainage district assessed in and by that certain assessment known and designated as (giving name and number of the assessment). Jurisdiction by the court over all parties interested in said action shall be obtained by publication of a copy of the summons at least once a week for three successive weeks in a newspaper of general circulation published in each county wherein are situated any lands within said Sacramento and San Joaquin drainage district and assessed in and by said assessment, which newspaper, in each county, shall be designated by the court wherein the action is pending or by the judge thereof. If there be no newspaper within any such county, or if said summons is refused publication in the newspaper so designated for any county, then such summons may be published in a newspaper of general circulation published in an adjoining county. Within thirty days after completion of the publication of such summons in each of such counties any owner of land assessed by said assessment or any one interested in any such land may appear and answer the complaint in such action which answer shall be verified and shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court, and judgment shall be rendered therein declaring such bonds either valid or invalid. Any party not in default shall have the right within thirty days after the entry of such judgment to appeal therefrom to the supreme court of this state, which appeal shall be advanced upon the calendar of the court in which the appeal may be pending and shall be determined as early as possible. Judgment for the plaintiff in such action declaring such bonds to be valid shall be considered as a judgment *in rem* and shall be conclusive against said district and against all lands therein and all owners thereof and all other interested persons. Costs may be awarded to or against any party appearing in such action as the court may in its discretion determine. Any action or proceeding commenced by any party other than the reclamation board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the superior court of the State of California, in and for the county within which the largest acreage of land affected by said assessment or the issuance of said bonds is situated, and no such action or proceeding shall be commenced by any party other than the reclamation board until the expiration of ten days after such bonds have been so executed and delivered to the state treasurer, nor unless the action in this section provided for shall not have been commenced by the reclamation board within said period of ten days.

Action to
determine
validity
of bonds.

Sale of
bonds.

SEC. 33. The state treasurer shall receive and place the said bonds to the credit of said Sacramento and San Joaquin drainage district, and shall when and as directed by the reclamation board sell any of said bonds for the best price obtainable therefor, but in no event for less than ninety-five per cent of the face value of such bonds and the accrued interest thereon. Before making a sale of any of said bonds, notice shall be given by the state treasurer that he will sell a specified amount of said bonds, stating the day, hour and place of said sale. Such notice shall state that sealed proposals will be received by him for the purchase of said bonds or any part thereof at the day and hour named in the notice. Such notice shall be given by publication once a week for three successive weeks in a newspaper of general circulation published in the city of Sacramento. At the time and place appointed in said notice the state treasurer shall open the bids and shall award the purchase of the bonds or any part thereof to the highest responsible bidder, or if the highest bid is not equal to par and accrued interest he shall notify the reclamation board of the amounts of the highest bids received, and reject any or all bids if so required by said board. At any time before all such bonds held by the state treasurer shall have been sold by him, said reclamation board may draw upon the state treasurer for, and issue and deliver any such unsold bonds at not less than the face value thereof in payment for any of the works or other expenses for which said assessment has been levied and for which such bonds have been authorized, and may make contracts for any of the said works or expenses, payable in whole or in part in such bonds; and in making such payments in bonds, said board shall draw orders upon the state treasurer payable in such bonds to the amount therein named, which orders shall be countersigned by the state controller and shall be paid with such bonds by the state treasurer upon presentation of the amount therein provided for, if there be sufficient bonds on hand to pay the same. In drawing any such order upon the state treasurer payable in such bonds as aforesaid, the reclamation board may specify the maturity of the bonds which are to be delivered in compliance with such order and such specifications shall be complied with by the state treasurer as far as possible.

Payment
for works
in bonds.

Money
placed in
construction
fund.

SEC. 34. The money derived from the sale of any of said bonds shall be received by the state treasurer and shall be by him safely kept and placed to the credit of the Sacramento and San Joaquin drainage district in a fund to be designated as the "construction fund of (giving name and number of the assessment upon which the bonds are based)," and may be drawn and expended upon warrants drawn by the state controller at the request of the reclamation board upon and payable out of said construction fund, in the same manner as provided by section fifteen of the said reclamation board act with reference to the expenditure of moneys collected upon assessments as in said reclamation board act provided.

SEC. 35. The bonds of the Sacramento and San Joaquin drainage district issued pursuant to this act which are investigated and approved by any commission or officer now or hereafter authorized by any law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks, may be lawfully purchased or received in pledge for loans by banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipality or corporate body within this state having or holding funds which they are allowed by law to invest or loan. Bonds legal investments.

SEC. 36. From the first money received from the sale of any of such bonds the state treasurer shall retain an amount which with the other funds in his hands applicable to the payment of such interest will be sufficient to pay the interest which will fall due during the period of one year thereafter upon all such bonds which have been so sold, or which have been issued and delivered on orders of the reclamation board payable in bonds, and which are still outstanding; and the state treasurer shall at all times retain in his hands sufficient money from the sale of such bonds which, with other funds applicable thereto in his hands, will be sufficient to pay all interest to accrue within the period of one year next succeeding upon all such bonds so sold or leased and delivered and still outstanding; and the money so withheld by the state treasurer shall be applied on said bonds and interest thereon and shall not be used for any other purpose. Payment of interest.

SEC. 37. Whenever any of such bonds are sold or delivered by the state treasurer either to a purchaser thereof or upon an order from said reclamation board payable in such bonds, the state treasurer shall first detach therefrom and cancel all past due interest coupons and deliver such canceled coupons to the reclamation board or its secretary, and shall also at once certify and deliver to said board or its secretary a list of such bonds so sold or delivered, showing the serial numbers, denominations and date of maturity of the bonds so sold or delivered, the price received for each bond sold, and the date of maturity of the earliest maturing interest coupon left attached to each bond so sold or delivered. The state treasurer shall also certify and deliver to the said reclamation board or its secretary whenever requested, a statement of all such bonds and coupons for interest thereon paid by him and of all bonds or coupons presented for payment and not paid for want of funds, with the date of presentation. Statement by state treasurer to reclamation board.

SEC. 38. The reclamation board shall maintain in its office and open to public inspection at all reasonable times during office hours, a book or books to be known as the bond record of the Sacramento and San Joaquin drainage district, containing a complete record of the existing condition of the whole of each such bond issued as compiled from time to Bond record.

time from such reports from the state treasurer, from which can be ascertained the amount of bonds outstanding and the interest accumulated and unpaid thereon.

Separate records for each bond issue.

SEC. 39. In case there shall be several bond issues under this act based upon several different assessments, respectively, all of the proceedings, records and transactions of every kind herein provided for shall be had and kept separately with reference to each such bond issue.

Construction of works.

SEC. 40. With the money received from the sale of bonds, or with the said bonds as hereinbefore provided, the reclamation board as the managing body of said Sacramento and San Joaquin drainage district shall proceed with the construction and completion or carrying into execution of the works or project for the purpose of which the assessment upon which such bonds are based was levied, in order that the same may be carried out and completed according to the best judgment of said board and without unnecessary delay. For the purpose of paying the cost and expenses of such works or project, and the expenses of making, bonding and collecting the assessment therefor the reclamation board shall from time to time as may be necessary present its written requests to the state controller for the issuance of warrants, specifying the amount of the warrant and the name of the payee thereof, and upon receipt of such written request the state controller shall draw his warrants upon the state treasurer payable out of the said construction fund of the assessment upon which such bonds have been issued, and the state treasurer shall pay the same or make delivery of such bonds as provided herein. Warrants issued by the controller and payable out of such assessment as provided by section fifteen of the reclamation board act shall be paid by the state treasurer out of and only out of the construction fund of such assessment, and in their proper order of registration as in said section fifteen provided.

Warrants.

SEC. 41. No warrant issued pursuant to any of the provisions of this act or of the said reclamation board act shall be accepted or received by the county treasurer in payment of all or any part of any assessment upon which bonds have been authorized.

Annual installment for bonds.

SEC. 42. When the bonds of the Sacramento and San Joaquin drainage district have been authorized and issued as herein provided, based upon any assessment levied by the reclamation board, the reclamation board shall annually thereafter before the first day of July of each year, by an order entered in its minutes, ascertain and determine the total amount necessary to be collected upon such assessment for the payment of principal and interest of all such bonds which will or may become due on the first day of January and the first day of July of the succeeding year, and thereafter and before the first day of September of each year said board shall prepare in duplicate, retaining one original thereof, and causing the other original thereof to be certified by its secretary and delivered to

the county treasurer of each county wherein are situated any of the lands covered by such assessment, a statement of the installment of such assessment necessary to be collected for such year, to which there shall be added and collected an additional amount of fifteen per cent of the installment so due to cover possible delinquencies, which said additional sum, together with such installment, shall constitute the amount to be collected and paid into the bond fund and shall be known as the installment for bonds. Such installment for bonds shall, unless otherwise determined by the reclamation board by an order entered in its minutes, a copy of which duly certified shall be transmitted to the county treasurer of each of said counties, be payable in two equal portions, the first of which shall be due and payable to such county treasurer, respectively, on the third Monday in October and shall be delinquent on the first Monday in December next thereafter at six o'clock p.m., and the remaining portion may be paid at any time before the last Monday in April next thereafter at six o'clock p.m., at which time the same shall become delinquent.

Annual
installment
for bonds.

SEC. 43. For convenience in entering payments of such installment for bonds, the reclamation board shall furnish to the county treasurer of each county affected, an annual collection list in which shall be set forth the reference number of each tract of land assessed and the name of the owner to whom assessed, as stated in the original assessment list, and the total amount assessed upon each tract and the amount to be collected thereon for that year, together with appropriate columns for the entry of payments, sales and redemptions; and the county treasurer shall enter thereon in the proper column all payments, with date of payment, the word "sold" with date of sale, in case of sales for delinquency, and the words "sold to the district" with date of sale, in the case of sales to the district; and shall also enter the word "redeemed," with date of payment, in case such redemption be made. Said county treasurer shall also make a report to the reclamation board as often as requested of all entries so made by him on such collection list.

Annual
collection
list.

SEC. 44. When either portion of any such installment for bonds shall become delinquent, a penalty of one dollar together with twenty per cent of the amount of such installment on each tract so delinquent, shall be added thereto and collected for the use of the bond fund of said assessment. All money so collected by the several county treasurers upon such installment for bonds or for the penalty thereon in case of delinquency shall be by them, respectively, and within thirty days after such collection, paid over to the state treasurer and by him credited to the bond fund of such assessment.

Penalty for
delinquent
installment.

SEC. 45. If both portions of said installment are not paid before the last Monday in April at six o'clock p.m., the reclamation board shall publish in each county where such delinquencies exist, in one notice, a list of all said delinquencies in

Sale of
land for
delinquent
installments.

Sale of
Land for
delinquent
installments.

such county at least once a week for two weeks in some newspaper of general circulation published in the said county, which notice shall contain a description of each parcel of land assessed within the said county whereon such installment or installments are delinquent, as such description appears on the assessment list, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners if such be the fact, the amount of the installment or installments delinquent on such parcel, the amount of the penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county at a specified day and hour, which shall not be less than thirty nor more than ninety days from the date of delinquency, to pay such delinquent installment or installments and penalty. At the time and place stated in said notice the county treasurer shall sell each parcel of land described in said notice to the highest bidder unless prior thereto he shall have received payment in full of said delinquent installment or installments together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due for said installment or installments thereon, together with such penalty, except that the treasurer may receive from any purchaser at their face value, in lieu of cash, bonds of said drainage district issued upon such assessment, or their interest coupons, which bonds or coupons shall be then matured or will mature within one year after such sale. Any said bonds or coupons so received in payment shall be by the treasurer forthwith cancelled and transmitted to the state treasurer. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. There shall be credited to the bond fund of such assessment the amount of purchase money so paid in bonds or coupons on such delinquent sales, and of all sums endorsed as paid upon account of purchase money on any such bonds or coupons, specifying the same, a statement of which shall be furnished by the county treasurer to the state treasurer.

Sale of Land
to district.

SEC. 46. If no bid is made for any parcel at such delinquent sale equal to the amount of installment or installments delinquent thereon including such penalty, the county treasurer shall bid in and sell said parcel to the said Sacramento and San Joaquin drainage district for the amount of said installment or installments and penalty.

Certificate
of sale.

SEC. 47. The county treasurer shall execute to each purchaser at such delinquent sale including said drainage district, a certificate of such sale, which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county.

SEC. 48. Out of the proceeds of said sales the county treasurer shall transmit to the state treasurer the amount due on the property so sold as shown in said notice, together with the penalty thereon, and the state treasurer shall place the same to the credit of the bond fund of said Sacramento and San Joaquin drainage district for the particular bond issue based upon said assessment. The county treasurer shall pay to the owner of said property any surplus remaining after such payment to the state treasurer.

Disposition
of proceeds.

SEC. 49. The county treasurer may if directed by the reclamation board postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at the place of sale.

Postpone-
ment of sale.

SEC. 50. Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under the reclamation board act or this act, with the penalty herein or in said reclamation board act prescribed for delinquency, if any. If no redemption shall be made within one year the reclamation board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment made by said drainage district, each installment whereof may be called and collected as by law provided, except that no parcel sold and conveyed to the Sacramento and San Joaquin drainage district shall thereafter, until redeemed or until sold and disposed of by the reclamation board, be subject to sale by the treasurer for delinquent installments of any assessment as in this act provided. Every deed by the reclamation board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by the grantee of the lands therein described. All deeds herein required to be executed by the reclamation board may be executed by the president and secretary thereof on behalf of said board.

Redemption
of property
sold.Deed of
conveyance
if no
redemption.

SEC. 51. Any parcel of land bid in and purchased by the Sacramento and San Joaquin drainage district at such delinquent sale shall be held in trust for the bond fund of the assessment upon which the same was sold and may be sold and conveyed by said reclamation board or their successors in

Sale of land
purchased
by district.

Sale of land
purchased
by district.

office at any time after the expiration of said redemption period of one year at public or private sale and with or without notice to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale for said drainage district, with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Payment for the land so purchased may be made by the purchaser either in cash or matured bonds and coupons issued upon said assessment taken at their face value, and the reclamation board shall execute a deed to such purchaser at such sale conveying said property, free of encumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment thereon levied by the reclamation board on lands in said drainage district. The purchase price so received in cash shall be by the reclamation board forthwith paid over to the state treasurer; and any bonds or coupons so received in payment by the reclamation board shall be by said board canceled and delivered to the state treasurer; and all such money so paid over and such canceled bonds or coupons so delivered to the state treasurer shall be by him credited to the bond fund of such assessment. If any land so held by the Sacramento and San Joaquin drainage district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then the reclamation board shall sell all such lands so held by said drainage district at public auction to the highest bidder for cash, upon two weeks' published notice substantially in the manner provided for notice upon such delinquent sales, and shall execute to the purchaser a conveyance thereof free of incumbrances except state, county and municipal taxes, and assessments levied or assessed by statutory authority, and shall deposit the proceeds of such sale with the state treasurer to the credit of the bond fund of such assessment.

Use of
surplus in
bond fund.

SEC. 52. Any surplus remaining in the bond fund of such assessment greater than is necessary to pay all of the amounts due or to become due during the ensuing year may, in the discretion of the reclamation board, be devoted to the purchase in the open market and at the fair market price thereof of any bonds other than bonds of said drainage district available for purchase by savings banks in this state, which shall thereupon be delivered to the state treasurer to be held by him for the benefit of said bond fund until the reclamation board shall direct it to sell the same, whereupon the state treasurer shall sell the same and credit the proceeds to the said bond fund; and said reclamation board shall direct such sale to be made whenever necessary for payment of such bonds of the district or interest thereon.

SEC. 53. The said bond fund of each such assessment shall be held and safely kept by the state treasurer and shall be applied by him toward the payment of the bonds and coupons thereon based upon such assessment, as such bonds and coupons fall due; and if any balance shall remain in the bond fund of such assessment after payment in full of the principal and interest of all outstanding bonds issued upon such assessment, such balance shall be held for the benefit of the lands upon which said assessment was made and in proportion to the amounts assessed thereon, and may be distributed to the owners or other persons interested in such lands by the reclamation board.

Bond fund held by state treasurer.

SEC. 54. If within one year from the time said bonds have been authorized to be issued as in this act provided, the same shall not have been sold or disposed of, the reclamation board may at its discretion by an order duly made and entered in its minutes and a copy duly certified sent to the county treasurer of each county wherein lands affected by said assessment are situated, cancel all proceedings taken in connection with such bond issue; and may thereafter call for the payment of such assessment in such installments from time to time as they shall determine and as provided in the said reclamation board act.

Cancellation of proceedings.

SEC. 55. No officer shall charge or receive any fee for any services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the collection or enforcement of any assessment, shall be paid out of the funds of said drainage district applicable thereto.

Expenses of officers.

SEC. 56. If the amounts raised by means of and upon such assessment as herein provided shall in the end prove insufficient to pay in full all of said bonds and the interest thereon, the reclamation board shall levy and cause to be collected in the same manner as in said reclamation board act and herein provided, a supplementary annual assessment or assessments from time to time as may be necessary upon the same lands previously assessed in the original assessment, which supplemental assessment or assessments shall be levied by resolution of the reclamation board entered in its minutes. It shall not be necessary to appoint assessors therefor nor to prepare new or additional assessment lists for any such supplemental assessment or assessments, but the same shall be levied and apportioned according to benefits and in the same proportion as specified in the original assessment lists for such assessment; and for the purpose of collecting the same said board shall prepare and cause to be certified to the county treasurers of the several counties annual assessment collection lists in the same manner and at the same times as hereinbefore provided for the annual assessment collection lists upon such original assessment; and the same shall be collected by the county treasurers, and the same percentages, penalties

Supplementary annual assessment.

and costs added for delinquency and the same proceedings had for sale of property and for redemption thereof and for disposition of the proceeds of sale, and in all other particulars as hereinbefore provided in the case of such annual assessment collection lists upon the original assessment; and all money collected for or on account of any such supplemental assessment or assessments shall be paid over to the state treasurer in the same manner as hereinbefore provided, and credited by the state treasurer to the said bond redemption fund of said assessment.

Duty of
attorney
general and
governor.

SEC. 57. If the reclamation board or any member thereof or any officer or appointee or employee thereof or any public officer in this act mentioned or referred to shall fail to perform any duties imposed by this act, at the time and in the manner in this act provided, the attorney general of the state shall have the power and it shall be his duty to compel the performance of such act by mandamus proceedings or by any other appropriate remedy, legal or equitable; and in case the attorney general shall fail, neglect or refuse so to do, it shall be the duty of the governor to compel the performance of such act by mandamus proceedings or other appropriate legal or equitable remedy and to employ special counsel therefor at the expense of said Sacramento and San Joaquin drainage district.

If election
is against
issuance
of bonds.

SEC. 58. If the result of such election provided for in section seventeen of this act be against the issuance of bonds, then such assessment, or that portion thereof involved in and affected by such election, shall be ordered paid and collected in such installments and as often as may in the judgment of the reclamation board be necessary for the purpose for which such assessment was originally levied as provided in said reclamation board act; and all subsequent proceedings in regard thereto shall be had and conducted as provided in said reclamation board act and without any further reference to the provisions in this act contained.

CHAPTER 521.

An act to amend section four thousand two hundred fifty-five of the Political Code, relating to salaries and fees of officers of counties of the twenty-sixth class.

[Approved May 3, 1919. In effect July 22, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-five of the Political Code is hereby amended so as to read as follows:

4255. In counties of the twenty-sixth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Counties of
26th class.
salaries of
officers.

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk, which office of deputy county clerk is hereby created, and said deputy county clerk shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him, to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; *provided*, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be paid by him into the county treasury and no part thereof shall be retained by him as a part of his compensation.

County
clerk.

2. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an undersheriff, which office of undersheriff is hereby created, and said undersheriff shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane, and for conveying prisoners and persons charged with being insane to court and to prison

Sheriff.

Expenses
of Sheriff.

or other place of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation shall be paid into the county treasury, and no part thereof shall be retained by him as part of his compensation.

Recorder.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may appoint a deputy, which office is hereby created, and said deputy county recorder shall receive as compensation for all services performed as such the sum of seven hundred and twenty dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Auditor.

4. The auditor, one thousand five hundred dollars per annum; *provided*, that in counties of this class the auditor may appoint a deputy, which office of deputy auditor is hereby created; said deputy auditor shall receive as compensation for all services performed as such, the sum of six hundred dollars per annum, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the auditor may appoint additional deputies, to

serve during the month that installments of taxes on real property are due and payable but not delinquent, and such deputy auditors shall receive as compensation for all services performed as such the sum of three dollars per day for each day actually employed, and the total compensation, in the aggregate, shall not exceed the sum of two hundred twenty-five dollars per annum for all additional deputies employed. Such compensation shall be paid out of the county treasury, at the same time and out of the same fund as salaries of county officers are paid. This subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the present incumbent.

5. The county treasurer, two thousand dollars per annum; *Treasurer. provided,* that in counties of this class the treasurer may appoint a deputy, which office of deputy treasurer is hereby created, and the said deputy treasurer shall receive as compensation for all services performed as such the sum of six hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

6. The tax collector, two thousand dollars per annum; *pro- Tax collector. vided,* that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of seven hundred fifty dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the tax collector may appoint a cashier, which office of cashier to the tax collector is hereby created, and said cashier shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided,* that such cashier shall be paid for not to exceed one hundred days in any one calendar year. All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

7. The assessor, three thousand six hundred dollars per annum; *Assessor. provided,* in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the

Assessor.

sum of one thousand two hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than ninety days in any one year; and said copyist shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually and necessarily employed as such, and also five field deputies, which office of field deputies are hereby created, to serve for not exceeding seventy-five days in any one year, and said field deputy assessors shall receive as compensation for all services performed as such the sum of five dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *providing*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

District attorney.

8. The district attorney, two thousand five hundred dollars per annum. In counties of this class the district attorney may appoint a deputy attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for all services performed as such the sum of six hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

Coroner.

9. The coroner, nine hundred dollars per annum. In counties of this class the coroner shall be allowed his actual traveling expenses in the performance of his official duties in the county when called away from the county seat, which are

hereby declared to be a proper legal charge against the county, and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed by law to the coroner in other counties of other classes as a part of his compensation shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the present incumbent.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator.

Superin-
tendent of
schools.

11. The superintendent of schools, one thousand six hundred dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of nine hundred dollars per annum, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Surveyor.

12. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats, and diagrams for the county assessor or other county officer, when directed by him or them to prepare the same; *provided*, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block-books, the board of supervisors may employ a competent draftsman for the purpose of making such block-books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury, in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensation allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys, shall be retained by him as part of his compensation.

Classification
of townships.

13. Classification of townships. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to their population, as shown by the federal census of

one thousand nine hundred ten as follows: Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class; townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand, and less than three thousand, shall belong to and be known as townships of the third class; and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class.

Justices
of peace.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit:

1. In townships of the first class, one hundred dollars per month.
2. In townships of the second class, seventy dollars per month.
3. In townships of the third class, forty dollars per month.
4. In townships of the fourth class, twenty-five dollars per month.

In addition to the said monthly salaries herein provided for, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings.

Justices of the peace, in townships of the first class, shall be allowed their actual office rent and necessary incidental expenses, not to exceed the sum of twenty-five dollars for any one month.

Constables.

15. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit:

1. In townships of the first class, seventy-five dollars per month.
2. In townships of the second class, fifty-five dollars per month.
3. In townships of the third class, thirty dollars per month.
4. In townships of the fourth class, twenty dollars per month.

Fees. In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expenses shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

16. Each member of the board of supervisors shall receive ^{Supervisors.} one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors.

17. Jurors. In counties of this class the fees of grand ^{Jurors.} jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only.

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

CHAPTER 522.

An act to amend section four thousand two hundred eighty-five of the Political Code, relating to the salaries and fees of officers of counties of the fifty-sixth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty-five of the Political Code is hereby amended to read as follows:

4285. In counties of the fifty-sixth class, the county officers shall receive as compensation for the services required of them by law and by virtue of their office the following salaries, ^{Counties of 56th class, salaries of officers.} to wit:

1. The county clerk, twelve hundred dollars per annum; ^{County clerk.} *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 one hundred dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the county clerk is paid. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

2. The sheriff, one thousand eight hundred dollars per ^{Sheriff.} annum; *provided*, that in counties of this class there shall be and is hereby allowed a jailer who shall be appointed by the

sheriff and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

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 seventy-five dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the recorder is paid.

Auditor.

4. The auditor, seven hundred twenty dollars per annum.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, one thousand two hundred dollars per annum.

Assessor.

7. The assessor, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid.

District attorney.

8. The district attorney, one thousand two hundred dollars per annum and such fees as are now or may hereafter be paid to that officer.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, seven hundred twenty dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy who shall be appointed by the superintendent of schools and shall be paid a salary of thirty-five dollars per month, said salary to be paid by said county monthly at the same time and manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Classification of townships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows:

Townships having a population of one thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand shall belong to and be known as townships of the second class.

Population of townships.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and

also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1910. Justices of the peace shall receive the following salaries: Population of townships.

In townships of the first class the sum of three hundred dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of three hundred dollars per annum;

In townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

14. Constables, such fees as are now or may be hereafter Constables. allowed by law.

15. Each member of the board of supervisors, nine hundred Supervisors. dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroners' 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 the county officers; and for transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct. Official reporter.

17. The fees of grand jurors and trial jurors in the superior Jurors. courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be

paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 523.

An act to amend an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended by an act approved May 27, 1913, and as further amended by an act approved June 9, 1915, by amending sections twelve and thirteen thereof, and by adding four new sections thereto to be numbered thirty-two, thirty-three, thirty-four, and thirty-five, said new sections relating to the manner of making assessment, and to the disposition and application of moneys appropriated, or to be appropriated, by the State of California in aid thereof, and the certification to and payment of interest on warrants, and the manner of making compensation under section eighteen of said act.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 1343.

SECTION 1. Section twelve of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24,

1911, as amended by an act approved May 27, 1913, and as further amended by an act approved June 9, 1915, is hereby amended to read as follows:

Sec. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district, by purchase, condemnation or by other lawful means, in the name of the Sacramento and San Joaquin drainage district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes; to construct, clear and maintain by-passes, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works; to construct and maintain ditches, canals, pumping plants, and other drainage works and to operate the same; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking or damage of any property for any of such purposes; to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the state treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin rivers or their tributaries, and such diversion of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared

Powers of board to acquire lands, etc.

Acquisition
of lands
required
by U. S.

to be a public nuisance which may be prevented or abated by the reclamation board. In case any land, right of way or easement is or shall be needed for any work of channel excavation, enlargement, rectification or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States or by the State of California and it is or shall be necessary or be required by the United States or by the State of California before doing such work or constructing such weir, that such land, right of way or easement be conveyed to or provided for the use of the United States or the State of California free of cost, the reclamation board shall have power to acquire such land, right of way or easement and cause the same to be conveyed to the United States or to the State of California free of cost, or to be condemned for the use and in the name of the United States or the State of California in the manner provided by the laws of this state or of the United States, and to pay the cost and expense of acquiring such land, right of way or easement out of the funds of any assessment by said board applicable thereto; or if such land, right of way or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin drainage district, the said board shall be and is authorized to cause the same to be conveyed by said district to the United States or to the State of California free of cost.

Whenever any work to be done by the reclamation board or the Sacramento and San Joaquin drainage district under any of the provisions of this act is such that it can be so done in connection with work of public improvement of rivers and harbors authorized by the United States government as to bring it within the provisions of section four of the United States river and harbor act approved March 4, 1915, authorizing the receipt by the United States government agencies of funds to be contributed for expenditures in connection with funds appropriated by the United States for such work, then the funds under the control of the reclamation board and available for such work, or so much as may be necessary, may be contributed by the reclamation board to the United States government under the provisions of said section of said river and harbor act in order that the work may be done in the manner thereby contemplated.

Stats. 1915,
p. 1344.

SEC. 2. Section thirteen of said act approved December 24, 1911, as amended, is hereby amended to read as follows:

Levy of
assessments.

Sec. 13. Whenever, in the opinion of the reclamation board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, including the expenses of bonding such assessment if authorized by law, said board shall cause an assessment to be levied upon such lands within said drainage district for such purposes. The plans to be carried out shall be divided by said

board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district affected by such portion or project; *provided, however,* that each separate and particular project or unit shall include all by-passes, cuts, canals, sumps, levees, pumping plants and other works of flood control and drainage as shall be necessary by reason of the carrying out and construction of the particular project, to properly conduct the water of any stream, natural or otherwise, the outlet of which has been intercepted by the construction of any levee or embankment included in such project or unit into such by-pass.

Said board shall enter in the minutes of the board a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. For the purpose of making any such assessment the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors shall be exempt from the provisions of the civil service laws of this state. Said assessors must assess upon the lands within said drainage district proposed to be assessed for the plans adopted by the reclamation board the said sums included in the estimates of said board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, affected by any particular portion or project by reason of the expenditure of said sums of money. After said assessors have examined the plan or plans of the works contemplated and the estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands proposed to be assessed are situated, when and where they will hear objections to the said report and also evidence concerning the manner in which said assessment should be apportioned. They shall give notice of such hearing in each of such counties by publication in a newspaper published in such county once a week for three

Assessors.

To hear
objections.

To exclude
lands not
benefited.

weeks, the first publication to be not later than the twenty-first day before the day of hearing, which notice shall contain a general designation of the lands which will in their opinion be so benefited, as aforesaid, and shall refer to said preliminary report on file in the office of the reclamation board for such exterior boundaries. They shall exclude any land that will not be benefited by the expenditure of said sums and shall assess all lands that will be benefited thereby.

In determining the benefits that will or may accrue to each particular tract of land by the construction or maintenance of the works contemplated by any particular project or unit, the works of such project or unit shall be considered as a whole and lands shall be assessed for the works embraced in such project or unit only in the proportion that they will or may be benefited by the construction of the entire works embraced in the said project or unit, and no lands shall be considered as benefited by the construction or maintenance of the works embraced in such project or unit, or any part or portion thereof, nor shall any lands be assessed for the expense of the construction or maintenance of such project or unit or any part or portion thereof, because such lands have been or may be first endangered or flooded, or the natural drainage thereof obstructed by the construction or maintenance of any part or portion of the works embraced in such project or unit in advance of or prior to the completion of the construction of the entire works embraced in such project or unit.

Assessment
list.

Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same, the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. The name of the owner of land which is or is supposed to be the property of the estate of a deceased person in course of administration may be stated as estate of (such person, naming him), deceased. When there are two or more owners or supposed owners of any tract of land, partly known and partly unknown, the assessment may be to such known owner or owners by name and to other owner's unknown. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment. In the assessment list for any county the assessors may make use of any abbreviation in common use in that county, without explanation thereof. The assessors may also in the assessment list for any county make use of other abbreviations, provided a schedule and explanation thereof with reasonable certainty shall, unless printed on each page of such assessment list, be prefixed to said assessment list and a reference thereto written, printed or stamped on each page of said assessment list whereon any such abbreviation is used. In case any land shall in the assessment list for any county be described in whole or

in part by reference to a map, plat or survey, which map, plat or survey shall be on file or of record in any public office, it shall be sufficient in such description to designate such map, plat or survey by name, number or other designation sufficient to identify the same in a schedule of such maps, plats and surveys, which schedule shall be prefixed to said assessment list and shall set forth with reasonable certainty where each such map, plat or survey may be found, and shall be referred to by a reference written, printed or stamped on each page of said assessment list whereon such method of description is relied upon. The assessors appointed for any assessment may also prepare or cause to be prepared a map or maps of the whole or any part or parts of the lands to be assessed with sufficient detail to indicate thereon and identify the several tracts of lands to be separately assessed or any of them, each of which such separate tracts shall be designated on such map or maps by a distinctive number. Each of such maps shall be inscribed and designated as "reclamation board assessment map No. —," giving each map a distinctive number. Any such map may consist of any number of sheets attached together and designated as one map. Such map or maps when approved by the reclamation board, shall be certified by the secretary of said board as having been so approved, and shall be filed for record in the office of the county recorder of the county wherein the land indicated on such map or maps is situated. Thereupon and thereafter, for the purpose of said assessment, or of any future assessment levied by said reclamation board, the assessment list for any county may, for the description of any tract of land so indicated on any such map, refer to such map and to the number by which such tract is designated on such map, and such reference, if used for that purpose, shall be a sufficient description of such tract for the purposes of such assessment list, and for the purposes of the notice of delinquent sale, certificate of sale and deed in pursuance of such sale, and all other proceedings under this act based upon such assessment. No provision of any other statute of this state relative to the filing or recording of maps in the office of the county recorder shall apply to the maps in this section referred to; *provided, however*, that the maps herein referred to shall have no legal effect for any purpose except for the convenient reference to and description of the tract of land indicated thereon for the purposes of description of such tracts of land by reference thereto in the matter of assessments levied by the reclamation board and acts and proceedings based thereon as herein provided. No fee shall be charged by any such county recorder for the filing for record of such map as in this section provided. Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands so assessed are situated, the assessment list for such county, and the same shall be open for inspection by the public

Hearing of
objections.

for at least thirty days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than thirty days after said list has been filed with the county treasurer when and where it will meet in each county wherein any of the lands so assessed are situated for the purpose of hearing objections to said assessments, and notice of such hearing in each county shall be filed with the county treasurer and published once a week for two weeks in some newspaper published in such county. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed, may file in the office of the reclamation board written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing, the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. Unless the aggregate amount of the whole of such assessment shall be modified or amended by the reclamation board so as to cause a difference of more than two and one-half per cent greater or less than the original total amount of said assessment, it shall be deemed that the assessment has not been substantially modified and no necessity shall exist for a reapportionment thereof.

Notice of
reapportionment.

If said assessment shall be reapportioned, the board shall give two weeks notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has been levied and apportioned according to law. Any person interested, as aforesaid, in any land upon which any charge has been so assessed, aggrieved by the decision of the board approving said assessment, may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment upon such land modified or annulled. Such action must be commenced within thirty days after the reclamation board has approved such assessment and the assessment list for such county has been deposited in the office of the county treasurer as provided in the next section, and shall have preference over all civil actions in fixing the time of trial. No objection to said assessment shall be considered by the court unless such objection shall have been made in writing to the reclamation board as hereinbefore prescribed, and, excepting in the action above mentioned, no action or defense shall ever be maintained attacking the said assessment in any respect. Whenever an assessment has been levied by the reclamation

board upon lands in said district for general administrative expenses and other expenses not pertaining to any particular project, and the boundaries of said district have been or shall be extended so as to include lands other than the lands included within said district at the time such assessment was levied, the reclamation board shall make an estimate of the fair and equitable amount which should be contributed by the lands so included in the district by such change of boundaries for the purposes of such assessment previously levied by said board for general administrative expenses and other expenses not pertaining to any particular project, and shall levy and cause to be assessed, equalized and collected in the manner in this act provided, an assessment to the amount of such estimate upon lands so included in the district by such change of boundaries, according to benefits in the manner in this act provided.

SEC. 3. A new section is hereby added to said act approved December 24, 1911, as amended, to be numbered thirty-two, to read as follows:

Sec. 32. The assessors appointed by the reclamation board pursuant to section thirteen of this act, in apportioning the assessment on each tract of land which may be assessed shall, as information for the said reclamation board or the State of California, state, opposite each sum assessed for each particular tract of land, in separate columns respectively, the amount that they shall determine that each tract is so assessed by reason of benefit from the flood control features of said works involved in said plans, and also the amount that they deem each tract of land is so assessed by reason of all other benefit from the said works. The amounts so stated and placed opposite each assessment charged shall be no part of said assessment and shall in no way affect the assessment charged against each tract of land as the same may be fixed, but shall be subject to review and readjustment in the same manner as the assessment itself.

Assessment
of benefit
from flood
control
features
of works.

SEC. 4. A new section is hereby added to said act approved December 24, 1911, as amended, to be known as section thirty-three, to read as follows:

Sec. 33. Any compensation that may be made to any reclamation district, levee district, drainage district, municipal corporation, association, private corporation, or person, in accordance with section eighteen of this act, shall be applied toward the payment of any assessment upon any tract of land assessed for any particular portion or project owned by any such municipal corporation, association, private corporation or person, but in case of any reclamation district, levee district or drainage district, such compensation shall be applied and credited pro rata toward the payment of the balance remaining unpaid upon the assessments levied by the reclamation board against the lands respectively situated within such reclamation district, levee district or drainage district,

Application
of compen-
sation.

as part of the assessment out of which such compensation is to be made based upon the total amount of the assessment; charges against the lands in such reclamation district, levee district or drainage district respectively, and if such compensation, when so applied, shall exceed the total amount of such credits upon the assessments upon the lands in any such district, the excess shall be paid to the district itself.

SEC. 5. A new section is hereby added to said act approved December 24, 1911, as amended, to be numbered section thirty-four, to read as follows:

Application
of moneys
to flood
control
benefits.

Sec. 34. All moneys which may be hereafter paid to the said reclamation board by the State of California under and by virtue of the provisions of an act entitled "An act to appropriate money to be expended under the direction of and by the reclamation board to aid in carrying out the project adopted by the reclamation board for the Sutter-Butte by-pass assessment number six with such modifications and amendments as may hereafter be adopted by the reclamation board, and to aid in carrying out any work described in the plans of said Sutter-Butte by-pass assessment number six, in conformity with the report of the California debris commission, transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, 1911, and such modifications and amendments as have been, or may be hereafter adopted by the reclamation board, or by the war department, or the congress of the United States, and providing for the future completion of the entire project," or by any law of similar import which has been or may be hereafter adopted by the legislature of the State of California, shall be applied on said Sutter-Butte by-pass assessment number six, by said reclamation board, to the pro rata payment of such portions of said assessment as are based upon flood control benefits as set opposite each assessment, in the manner hereinbefore provided; *provided, however,* that if no flood control benefit amount is set opposite any tract of land, the assessment upon such tract of land shall not be entitled to any credit for any of the moneys so received by said reclamation board from said state. In case the amount remaining unpaid, including interest, upon the total of said assessment on any tract of land entitled to such pro rata payment or credit out of the money so received from the state shall be less than such pro rata payment or credit to which such tract is so entitled then the surplus of such pro rata payment or credit shall be by the reclamation board paid to the owner of such tract in cash out of said money so received from the state and deducted from the amount to be paid over by the reclamation board to the state treasurer as hereinafter directed.

Amounts
credited on
assessment
accounts.

The reclamation board shall prepare and furnish to the several county treasurers a statement of the several amounts so applied to the pro rata payment of such portions of the

assessments as are by reason of flood control benefit, and the several county treasurers shall enter such amounts on the original assessment lists as payments or credits on account of the several assessments. In making its calls or orders for the collection of installments on said assessment the percentage to be called and paid shall be calculated upon the original total amount assessed against each tract, but no such call or installment need be paid upon the assessment on any such tract except for the excess of the total of such calls over the total of payments so credited to such tract from application of such money received from the state as aforesaid, or otherwise paid thereon.

The money so received by the reclamation board from the state shall, unless bonds based upon said assessment shall have been authorized by law, be by the reclamation board paid over forthwith to the state treasurer and by him credited to the funds of said assessment, to be used and expended in the same manner as funds collected from land owners upon said assessment. But if at the time of the receipt of any such money by the reclamation board from the state, bonds based upon said assessment shall have been authorized by law, the money so received from the state shall be deposited by the reclamation board with the state treasurer to be held as a special fund for the redemption of such bonds and shall, under the direction and as required by the reclamation board, be applied to the payment and cancellation of such bonds in the manner following, to wit:

Disposition
of money
received
from state.

Upon receipt of any sum of money under said act or acts of similar import, the said reclamation board shall proceed to advertise, at least once a week for four consecutive weeks, in at least one daily newspaper published in the city and county of San Francisco, and one daily newspaper published in the city of Los Angeles, calling for bids or offers for the sale to said state reclamation board of sufficient of the issued and outstanding bonds to cover the amount represented by said money so received from said state; *provided, however*, that said reclamation board shall not purchase any bonds at a sum in excess of par plus accrued interest. And if the said reclamation board shall receive bids or offers at par plus accrued interest, or less than par plus accrued interest, then the said reclamation board shall purchase a sufficient amount of said bonds to make up the sum of money so received by them from the state, and shall proceed forthwith to cancel said bonds so purchased, together with all interest coupons attached thereto.

Purchase
of bonds
by board.

But, if the said reclamation board shall not receive bids or offers of a sufficient amount to cover the money so received from the state, then as to the balance thereof, the said reclamation board shall pay bonds in the order of their numbers, beginning as to the first payment, at bond number one, and continuing in numerical order, in a sufficient amount to cover

Payment
of bonds.

said first payment, and upon such subsequent payments, shall pay the said bonds according to the next succeeding numbers.

SEC. 6. A new section is hereby added to said act approved December 24, 1911, as amended, to be numbered thirty-five and to read as follows:

Payment
of interest
on warrants.

Sec. 35. Whenever any warrant drawn by the state controller upon the state treasurer as provided in section fifteen of this act has been presented to the state treasurer and not paid for want of funds and has been registered by the state treasurer and bears interest as provided in said section fifteen, the state controller shall at any time, on presentation of such warrant to him for that purpose, certify on the back of the warrant, over his signature, the amount of interest accrued thereon to that date, specifying the date, and when the state treasurer pays such warrant he shall, in addition to the amount for which the warrant was drawn, pay the interest accrued thereon as so certified to by the controller.

CHAPTER 524.

An act to amend section four thousand two hundred sixty-seven of the Political Code, relating to the salaries, fees and expenses of officers, and the fees of grand and trial jurors, in counties of the thirty-eighth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-seven of the Political Code is hereby amended to read as follows:
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 offices, the following salaries, to wit:

Counties of
38th class,
salaries of
officers.

County
clerk.

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 one thousand five 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; in any year when a new registration of voters is required by law, the county clerk shall receive three hundred dollars additional for said year, which shall be in full for all services required in registering voters.

Sheriff.

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.

Recorder.

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 two hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

4. The auditor, one thousand dollars per annum.

Auditor.

5. The treasurer, one thousand five hundred dollars per annum; and the said treasurer may appoint one deputy treasurer, which said office of deputy treasurer is hereby created. The salary of such deputy treasurer is hereby fixed at six 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.

Treasurer.

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

Tax collector.

7. The assessor, two thousand five hundred dollars per annum. The said assessor may appoint one office deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers is paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall serve as such only during five months of each calendar year. Said "field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

Assessor.

8. The district attorney, two thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk to the district attorney is hereby created. Said clerk to the district attorney shall receive a salary of fifty dollars per month, payable at the same time and in the same manner as the salary of county officers is paid.

District attorney.

9. The coroner, nine hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Superintendent of schools.

12. The surveyor, one thousand two hundred dollars per annum; and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Surveyor.

Justices
of peace and
constables.

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of one hundred dollars per month; constables in townships of this population shall receive a salary of sixty dollars per month.

In townships having a population of one thousand five 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 one thousand five 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 twenty 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 ten dollars per month.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in civil and 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 general election of 1914 by three.

Supervisors.

14. Each member of the board of supervisors, one thousand two hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

Jurors.

15. In counties of this class grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and mileage to be computed at the rate of twenty cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

CHAPTER 525.

An act to amend section four thousand two hundred seventy-eight of the Political Code, relating to the compensation of officers of the counties of the forty-ninth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-eight of the Political Code is hereby amended to read as follows:

4278. In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of seventy-five dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerks of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerks by the board of supervisors as other county charges are allowed and paid.

2. The sheriff shall receive two thousand five hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month, which shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of seventy-five dollars per month; said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector an assistant for the months of April, October and November, who shall be

appointed by the tax collector and paid the salary of seventy-five dollars per month for said above-named months, said salary to be paid by the said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy and one copyist, to be appointed by him, who shall receive the salary of one hundred twenty-five dollars per month each, from the first day of March to July first of each year, said salaries to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, one thousand five hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy to be appointed by him for two months in each year at a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices of peace.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables.

14. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal

cases: (1) In townships having a population of five hundred or more, twenty dollars per month; (2) in townships, having a population of less than five hundred, ten 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, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. It is hereby declared that the salaries provided for in this subdivision do not constitute an increase and shall apply to present incumbents.

15. Each member of the board of supervisors to receive a flat rate of eight hundred dollars per annum, in full for all services. Supervisors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat. Official reporter.

17. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars per day for each day's attendance. For each mile actually traveled in Jurors.

attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

CHAPTER 526.

An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said state upon certain trusts and conditions.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

Tidelands
granted to
Orange
county.

SECTION 1. There is hereby granted to the county of Orange and to its successors all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all that portion of the tidelands and submerged lands bordering upon and under Newport bay in the said county of Orange, which are outside of the corporate limits of the city of Newport Beach, a municipal corporation, the same to be forever held by said county and by its successors in trust for the uses and purposes and upon the express conditions following, to wit:

Use of lands.

(a) Said lands shall be used by said county and by its successors solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ways and streets, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said county. And said county or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm, or corporation for any purposes whatever; *provided*, that said county or its successors may grant franchises thereon for a period not exceeding twenty-five years for wharves and other public uses and purposes, and may lease said lands or any part thereof for a period not exceeding twenty-five years for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

Improvement
of harbor.

(b) Said harbor shall be improved by said county without expense to the state and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without

charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

(c) In the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges, or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county, or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

Rates,
tolls, etc.

Right to fish
reserved to
people.

CHAPTER 527.

An act to provide for a suitable memorial in the capitol extension buildings in Sacramento for the part taken by residents of California in the world war.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The state building commission as established by the provisions of chapter two hundred thirty-five of the statutes of 1913 is hereby authorized and directed, in completing plans for the capitol extension buildings in the city of Sacramento, to cause to be incorporated in such plans a room, apartment or such other structure or feature as may be deemed an appropriate memorial of the part taken by residents of California in the army and navy of the United States during the great world war, and the victory for world liberty in battles on land and sea and in the air; to perpetuate the memory of those who gave up their lives in the cause of their country, and the services and sacrifices of those who gave of their time and their means in the auxiliary activities of war services, and the noble record made by the people of this state in the moral and material support rendered the state and national government in every way during the war period.

Memorial
room in
capitol
extension
buildings.

CHAPTER 528.

An act to amend section seven hundred fifty-eight of the Political Code, relating to the employees of the district courts of appeal.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred fifty-eight of the Political Code is hereby amended so as to read as follows:

Salaries of
officers of
third district
court of
appeal.

758. The third district court of appeal may employ and appoint the following officers of the court, whose salaries shall be as follows:

One clerk at two thousand seven hundred dollars per annum; one deputy clerk at two thousand dollars per annum; one phonographic reporter as provided in section seven hundred fifty-nine, and one bailiff at one thousand six hundred dollars per annum. Each of the first and second district courts of appeal may appoint the following officers of their respective courts whose salaries shall be as follows: One clerk at two thousand seven hundred dollars per annum; two deputy clerks at two thousand dollars each per annum; two phonographic reporters as provided in section seven hundred fifty-nine; and two bailiffs at one thousand six hundred dollars each per annum; one deputy clerk, one phonographic reporter and one bailiff to be assigned to each division of said courts.

CHAPTER 529.

An act to amend section four thousand two hundred thirty-two of the Political Code, relating to the compensation of officers in counties of the third class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-two of the Political Code is hereby amended to read as follows:

Counties of
3d class,
salaries of
officers.

4232. In counties of the third class the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries:

County
clerk.

The county clerk, five 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 two thousand four hundred dollars per annum; one deputy to act as judgment clerk, whose salary is hereby fixed at the sum of two thousand dollars per

annum; one deputy to act as assistant judgment clerk whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; one deputy to act as assistant clerk of the board of supervisors, whose salary is hereby fixed at the sum of two thousand dollars per annum; one deputy to act as chief registration clerk, whose salary is hereby fixed at two thousand dollars per annum; one deputy to act as assistant registration clerk whose salary is hereby fixed at one thousand eight hundred dollars per annum; twenty-two deputies, whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; two deputies whose salaries are hereby fixed at the sum of one thousand three hundred twenty dollars per annum each. All the foregoing deputies herein provided for, shall be appointed by the county clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *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 such additional deputies as he may appoint and whose compensation shall not in the aggregate exceed the sum of twelve thousand dollars for such year; *provided, further*, that in such years as compilation of the great register of voters is required by law to be made the county clerk in counties of this class may appoint one additional deputy in each voting precinct in the county, who shall be a qualified elector of such precinct, for the purpose of registering electors; such additional deputies shall be paid five cents per name for each elector legally registered by them in the same manner as other county claims are paid; *provided, further*, that in the event of a special election being held throughout the county the county clerk shall be allowed fifteen additional deputies for a period of one month preceding the day of such election, at a compensation of 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, Sheriff.* 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 two thousand four hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; one chief jailer whose salary is hereby fixed at the sum of two thousand dollars per annum; two deputies who shall act as detectives at the sum of one thousand eight hundred dollars per annum each; twenty-three deputies whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; two engineers for the jail whose salaries are hereby fixed at

sum of one thousand eight hundred dollars per annum each; one matron for the jail, whose salary is hereby fixed at one thousand twenty dollars per annum; one assistant matron for a period not to exceed two weeks in any one year and to serve only during the vacation of the matron, at a salary of forty-two and one-half dollars for such two weeks; *provided, further*, that the undersheriff, all deputies, chief jailer, matron, assistant matron and engineers herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists who shall be appointed by the recorder of such county and shall be paid salaries and compensations as follows: One chief deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; thirteen deputies whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; *provided, further*, that the salary of the chief deputy and the salaries of the deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers, documents and records in his office not to exceed six and three-fourths cents per folio for longhand recording and not to exceed five and one-half cents per folio for typewritten recording for each paper or document so recorded; *and provided, further*, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons, and the amount paid to each for such recording.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one accountant, whose salary is hereby fixed at the sum of two thousand dollars per annum; one redemption clerk whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; one warrant clerk whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; one stenographer whose salary

is hereby fixed at the sum of one thousand two hundred dollars per annum; and such additional assistants during the period in each year from July first to December thirty-first as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk, a sworn statement showing in detail the amounts paid and the persons to whom said compensation is paid for such extra assistants as aforesaid; *provided, further*, that the chief deputy, accountant, redemption clerk, warrant clerk and deputies shall be appointed by the auditor of said county and their salaries shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the auditor.

5. The treasurer, six thousand dollars per annum; after ^{Treasurer.} January 1, 1921, five 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 two thousand four hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of one thousand eight hundred dollars per annum each, which sums shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the treasurer; *provided*, that the chief deputy and the three deputies herein provided for shall be appointed by the treasurer of said county; *and provided, further*, that all commissions and fees required or permitted by any law of this state or of the United States, to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the salary fund of the county monthly.

6. The tax collector, four thousand dollars per annum; *pro-* ^{Tax collector.} *vided*, 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 two thousand four hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; twelve deputies whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year at a salary of one hundred 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, and whose duties it shall be under

Tax
collector.

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 counties of this class yearly, as soon as the said rolls are completed by the assessor of the county and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy and all other deputies herein provided for shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the same time and in the same manner and out of the same fund as the salary of the tax collector.

License
collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

Assessor.

8. The assessor, seven thousand dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, the following assistants and deputies who shall be appointed by the assessor and shall be paid salaries as follows: One assistant assessor, whose salary is hereby fixed at the sum of three thousand dollars per annum; one chief deputy, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; eight deputies whose salaries are hereby fixed at the sum of one thousand eight hundred dollars per annum each; four deputies, whose salaries are hereby fixed at the sum of one thousand six hundred eighty dollars per annum each; fifteen deputies whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; two deputies for a period not to exceed six months in any one year whose salaries are hereby fixed at the sum of one hundred fifty dollars per month each; ten deputies for a period not to exceed five months in any one year, whose salaries are hereby fixed at the sum of one hundred twenty-five dollars per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of three thousand dollars per annum; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom

such compensation is paid for such extra assistants as afore-^{Assessor.}said; *provided, further*, that the number of deputies not to exceed four which are assigned by the assessor to do field work outside of incorporated cities or towns within counties of this class shall be allowed their actual and necessary traveling expenses while engaged in assessing personal property in the said unincorporated territory.

The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that should the assessor be directed by any law or by any order of the board of supervisors or by any municipality within said counties of the third class to prepare maps, plats or block books for the use of the county or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, or block books or assessment rolls for the use of any municipality but shall only receive the actual cost by him incurred in making or preparing said maps, plats, block books or assessment rolls; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom and the amounts paid to each for such maps, block books or assessment rolls, and shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies and assistants; *and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

9. The district attorney, four thousand dollars per annum; ^{District} *provided*, that in counties of this class there shall be and there ^{attorney.} hereby is allowed to the district attorney the following assistants, deputies and employees, who shall be appointed by the district attorney of said county who shall be paid salaries as follows: one assistant district attorney whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum; one chief deputy district attorney whose salary is hereby fixed at the sum of three thousand dollars per annum; two deputies district attorney whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two deputies district attorney whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; two deputies district attorney whose salaries are hereby fixed at the sum of two thousand one hundred dollars per annum each; one deputy district attorney whose salary is hereby fixed at the sum of one thousand eight hundred dollars

District
attorney.

per annum; two deputies district attorney whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each, whose duty it shall be in addition to performing services as deputies district attorney to attend the sessions of the police courts in cities of the second class, and conduct on behalf of the people, all prosecutions for public offenses of which said police courts shall have jurisdiction; one clerk whose salary is hereby fixed at the sum of one thousand six hundred twenty dollars per annum; one clerk and private exchange operator at a salary of nine hundred sixty dollars per annum; one process server whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum; three stenographers whose salaries are hereby fixed at the sum of one thousand two 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 two thousand one hundred dollars per annum; *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 in civil cases when in the judgment of said boards the interests of said counties require it.

The salaries of said assistants, deputies, clerks, detective, process server, private exchange operator, stenographers, and special counsel in this subdivision provided for shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner.

10. The coroner, four thousand dollars per annum, and his necessary traveling expenses as follows: ten cents per mile for distance actually traveled outside the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and San Leandro; said traveling expenses not to exceed twenty dollars in any one calendar month; *provided, further*, that in counties of this class, there shall be, and there hereby is allowed to the coroner, one autopsy physician and surgeon, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, who shall perform all autopsies and inspections in all cases required by the coroner except that where the distance from the county seat exceeds twenty miles the coroner may subpoena a physician or surgeon to perform such autopsy or to inspect the body; one deputy, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum and one stenographer, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum, and who shall be paid, in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest, the sum of ten cents per one hundred words for one copy, and five cents per one hundred words for two copies made at one time and in every case where the death of any person shall have been caused by the criminal act of another, such stenographer shall make a copy of the transcript of the testimony

and proceedings taken at said inquest for the use of the district attorney of such county; in all inquests so reported the fees for transcribing as provided herein shall be paid out of the county treasury upon the order of the coroner.

When such testimony is taken down by such stenographer as herein set forth his transcription thereof duly certified to by him, shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The autopsy physician and surgeon, deputy, and stenographer herein provided for shall be appointed by the coroner, and their salaries shall be paid by said county in equal monthly installments at the same time, and in the same manner and out of the same fund, as is the salary of the county officers in counties of this class. The coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, and he, or any other officer holding the inquest upon the body of the deceased person may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator.

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 thousand four hundred dollars per annum; the salary of the chief deputy superintendent of schools shall be two thousand dollars per annum; and that of the deputy superintendent of schools shall be one thousand six hundred twenty dollars per annum. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

13. The surveyor shall receive a salary of four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the surveyor, one deputy, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one stenographer whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum. The salary of such surveyor shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county shall be performed by the said surveyor at actual cost; *provided, however*, that on all such work other than block book work hereinafter provided for, transit men and office men when actually engaged on such county work shall receive a

Surveyor.

Surveyor.

per diem of not to exceed eight dollars and chain men when actually engaged on such county work shall receive a per diem of not to exceed five dollars; *and provided, further*, that for the making, platting, tracing or otherwise preparing maps, plats or block books for the use of the county or any municipality within such county there shall be and there hereby is allowed to the surveyor the following draughtsmen who shall be paid salaries as follows: two draughtsmen whose salaries are hereby fixed at the sum of two thousand one hundred dollars per annum each; two assistant draughtsmen whose salaries are hereby fixed at the sum of one hundred forty dollars per month each; *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the kind or nature of work performed, the dates, amount paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county. The deputy, draughtsmen and stenographer and assistant draughtsmen herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as is the salary of county officers in counties of this class.

Justices
of 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 county officers are paid, which shall be in full for all services rendered by them as justices of the peace: in townships having a population of more than seventy-five thousand, four thousand dollars per annum; in townships having a population of forty-five thousand and less than seventy-five thousand, two thousand four hundred dollars per annum; in townships having a population of twenty thousand and less than forty-five thousand, two thousand four hundred dollars per annum; in townships having a population of less than twenty thousand, one thousand three hundred eighty dollars per annum; *and provided, further*, that each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him as such justice of the peace and on the first Monday of each and every month he must pay such fees and fines so collected into the county treasury or city treasury as provided by law; *and provided, further*, that the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of more than seventy-five thousand there shall be one

justice's clerk, and one deputy justice's clerk, who shall be appointed by the justice of the peace of said township, or justices, if more than one, and who shall perform such duties as are required of them by law or the justice or justices of said township. The salary of said clerk is hereby fixed at the sum of one thousand eight hundred dollars per annum and that of the deputy clerk at one thousand two hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno domini 1910.

15. Constables shall receive the following monthly salaries Constables. to be paid each month and in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than seventy-five thousand, one hundred fifty dollars; in townships having a population of twenty thousand and less than seventy-five thousand, one hundred twenty-five dollars; in townships having a population of less than twenty thousand, one hundred fifteen dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be, and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno domini 1910; *provided, further*, that in townships having a population of more than seventy-five thousand, the board of supervisors of counties of the third class shall furnish each constable with a suitable office and supplies for said office.

16. Each supervisor two thousand seven hundred dollars per annum; *provided*, that in counties of this class supervisors charged as road commissioners with the inspection of five hundred or more miles of roads within their respective districts, shall be and they are hereby allowed their actual traveling expenses not to exceed the sum of seventy-five dollars in any one calendar month; *and provided, further*, that, in counties of this class supervisors charged as road commissioners with the inspection of two hundred fifty and not exceeding five hundred miles of roads within their respective districts shall be, and they are hereby allowed their actual Supervisor.

traveling expenses not to exceed fifty dollars in any one calendar month; *and provided, further*, that in lieu of the above mentioned amounts for traveling expenses, said supervisors charged as road commissioners may be furnished with automobiles by counties of the third class; *provided, further*, that nothing herein contained shall be construed to prevent the use of county automobiles while engaged in the performance of their official duties, by supervisors of counties of this class not so charged as road commissioners.

CHAPTER 530.

An act relating to estrays, providing for taking them up and giving a lien on them for damages, costs, and expenses incurred by reason of taking them up.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

Estray
domestic
animals
may be
taken up.

SECTION 1. Any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal or animals, as hereinafter provided; and no person shall remove them from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered, except as hereinafter provided.

"Premises."

Substantial
fence
defined.

SEC. 2. Whenever the term "premises" is used in this act, it shall be construed to mean land entirely enclosed with a good and substantial fence, and none of the provisions of this act shall apply to any unfenced lands. No wire fence shall be deemed a good and substantial fence within the meaning of this act unless the same has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four feet above the surface of the ground; *provided, however*, that any kind of wire or other fence of height, strength and capacity, equal to or greater than the wire fence herein described shall also be deemed a good and substantial fence within the meaning of this act.

Enforcement
of lien.

SEC. 3. Any such lien shall be enforced in the manner prescribed by the provisions of sections two to nine inclusive 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 and parts of acts now in force relating to estrays," approved March 23, 1901, as amended, which sections are incorporated herein and made a part hereof.

SEC. 4. The provisions of this act shall not become operative or effective in any supervisorial district until, at a general election or at a special election called for that purpose by the board of supervisors, the electors of the district shall have declared by a majority vote in favor thereof. The form of the ballot shall be substantially as follows:

Election in supervisorial district to make act operative.

Shall the provisions of this act become effective?	YES	
	NO	

To vote for making effective the provisions of this act, electors shall stamp a cross in the square opposite the word "Yes" on the ballot. To vote against making effective the provisions of this act, electors shall stamp a cross in the square opposite the word "No." Such an election shall be conducted and the ballots cast thereat, counted, canvassed and returned as in the case of the election of a member of the county board of supervisors.

SEC. 5. Except in such districts as shall hereafter elect to accept the provisions of this act by the method set forth in section four hereof, none of the provisions of any act of this state relative to or affecting estrays shall be repealed, modified or effected hereby.

Exceptions.

SEC. 6. None of the provisions of the act shall apply to the counties of Del Norte, Lassen, Modoc, Shasta, Siskiyou or Trinity.

Counties excepted.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 531.

An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-seventh class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-six of the Political Code is hereby amended to read as follows: 4256. In counties of the twenty-seventh class, the officers, their clerks, deputies, stenographers and assistants, shall receive, as compensation for the services required of them

Counties of 27th class, salaries of officers.

by law or by virtue of their offices or appointments the following salaries, to wit:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum and such fees as are now or may hereafter be allowed by law; *and provided*, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy who shall be appointed by said county clerk, who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy, who shall be appointed by said county clerk, and who shall be paid a salary of one thousand two hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a registration of voters is required by law, the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk.

Sheriff.

2. The sheriff, five thousand five hundred dollars per annum.

Recorder.

3. The recorder, two thousand dollars per annum and six cents for each folio recorded.

Auditor.

4. The auditor, two thousand four hundred dollars per annum, and he may also appoint a deputy, which office of deputy auditor is hereby created, whose salary shall be one thousand five hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salaries of other county officers are paid.

Treasurer.

5. The treasurer, two thousand seven hundred dollars per annum.

Tax collector.

6. The tax collector, two thousand dollars per annum; *and provided*, that in counties of this class, there shall be, and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one thousand two hundred dollars per annum, which said salary shall be paid at the same time, in the same manner, and out of the same fund as the salaries of other county officers are paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy for the period of time embraced between the first day of October and the thirty-first day of December in each fiscal year, which said deputy shall be appointed by said tax collector, and shall be paid a salary of seventy-five dollars per month during the period of time said deputy shall be employed and which salary shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.

7. The assessor, four thousand dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class there shall be and there is hereby allowed the assessor, a deputy, who shall be appointed by said assessor and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of county officers are paid; *provided, further*, that in counties of this class there shall be and there is hereby allowed the assessor, two copyists for a period not exceeding four months in any one year, at a salary of sixty dollars each per month.

Assessor.

8. The district attorney, two thousand seven hundred fifty dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be sixteen hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office of clerk to the district attorney is hereby created, whose salary shall be twelve hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.

District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Public administrator.

11. The superintendent of schools, two thousand 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.

Superintendent of schools.

12. The surveyor, one thousand five hundred dollars per annum, for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same.

Surveyor.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, one hundred fifty dollars per month; in townships having a population of more than two thousand five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than two thousand

Justices of peace.

five hundred, thirty-five dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of two thousand five hundred or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendment thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

Constables.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred dollars per month; in townships having a population of more than two thousand five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than two thousand five hundred, thirty-five dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest in the service of process five cents per mile, and for transporting persons to the county jail ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law.

Supervisors.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county; also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor

shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; *provided*, that the amount so allowed and paid shall not exceed the sum of seventy-five dollars in any one month.

16. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive five dollars per day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section two hundred seventy-one of the Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases. Official reporter.

17. It is intended by this amendment that the increase of compensation hereby made for the district attorney and for each of the offices of the several members of the board of supervisors in counties of this class shall become operative as to each of said offices only upon expiration of its current term; but the provisions herein made for expenses of each member of such boards of supervisors and also the provisions increasing the salary of the deputy of the county clerk and the salary of the deputy of the assessor and the salary of the assessor's copyists and the salary of the assistant district attorney and the salary of the clerk to the district attorney shall become operative at the expiration of ninety days after the final adjournment of the present session of this legislature. Time in effect.

CHAPTER 532.

An act to amend section four thousand two hundred seventy-four of the Political Code, relating to salaries and fees of officers in counties of the forty-fifth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-four of the Political Code is hereby amended to read as follows:

4274. In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Counties of
45th class,
salaries of
officers.

1. The county clerk, one thousand five hundred dollars per annum and such fees for services in naturalization proceedings as by the act of congress, in such case made and provided, it is said he may retain; and also such other fees as he may be allowed by the law of this state to retain; *and provided*, that in each year when a new registration is required he shall

receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be 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 county clerk is paid. The provisions of this subsection do not increase the compensation of the county officer and shall take effect immediately.

Sheriff.

2. The sheriff, four thousand two hundred dollars per annum, and mileage for the service of papers or process served by him in all civil cases from any court, also necessary expenses for pursuing criminals or transacting any criminal business. The provisions of this section do not increase the compensation of a county officer and shall take immediate effect.

Recorder.

3. The recorder, one thousand eight hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars, per annum for preparing the abstract of mortgages for use of the county assessor as required by law; *provided*, that in counties of this class the recorder may appoint a copyist for service in his office which office of copyist for the county recorder is hereby created and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor.

4. The auditor, nine hundred dollars per annum and five per cent on all amounts found to have been paid out by the county for state aid as per his report as contemplated by section 4099a of the Political Code of this state or other law providing for such compensation.

Treasurer.

5. The treasurer, one thousand eight hundred dollars per annum; *and provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him in accordance with the law.

Tax collector.

6. The tax collector, five hundred dollars per annum and ten per cent on all licenses collected by him as license collector.

Assessor.

7. The assessor, three thousand five hundred dollars per annum and such fees as are now or may hereafter be allowed by law.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum and all traveling expenses in criminal matters or county business.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session. Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor.

13. Justices of the peace who shall have their office at the county seat shall receive a salary of fifty dollars per month. The justice of the peace whose office is at El Dorado in the township of Mud Springs shall receive a salary of twenty dollars per month. The justice of the peace whose office is at Georgetown in the township of Georgetown shall receive a salary of twenty dollars per month. The justices of the peace who may be elected to office in Kelsey, Lake Valley, Cosumnes, Mountain, White Oak, Diamond Springs, Coloma, Salmon Falls and Greenwood townships shall each receive a salary of fifteen dollars per month; which said salaries shall be in full compensation for all services of every kind and description rendered by them whether civil or criminal; such salaries shall be payable in like manner and out of the same funds and at the same times as the salaries of county officers are paid; all fees payable under the law to such justices of the peace shall be turned over to the county with verified statements of fees so received, in like manner and at like times as required of county officers. Justices of peace.

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. Constables.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

Constables.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like service.

Supervisors.

15. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio or as overseer or commissioner not to exceed three hundred dollars in any one year.

Board of education.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board.

Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed.

The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred seventy of this code.

Jurors.

17. In the superior court juror's fees, and witness fees in criminal cases shall be as follows:

For attending as a grand juror, for each day's actual attendance per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each day's actual attendance the sum of two dollars, and fifteen cents

per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however,* that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are necessary for the expense of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

CHAPTER 533.

An act to amend section four thousand two hundred eighty of the Political Code, relating to the compensation of officers of counties of the fifty-first class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty of the Political Code is hereby amended to read as follows:

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 dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand three hundred dollars per annum, and said clerk may appoint one deputy clerk, which office is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the clerk is paid.

2. The sheriff, four thousand dollars per annum.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, four hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, seven hundred fifty dollars per annum.

7. The assessor, two thousand six hundred dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and description rendered by the assessor; *and it is further provided,* that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the

Counties of
51st class,
salaries of
officers.

County
clerk.

Sheriff.

Recorder.

Auditor.

Treasurer.

Tax
collector.

Assessor.

use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section four thousand two hundred ninety of the Political Code, as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office, but are intended to change the compensation of the assessor from a mixed fee and salary system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-second session of the legislature.

District
attorney.

8. The district attorney, one thousand five hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

Surveyor.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Classification
of townships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices
of peace.

Justices of the peace shall receive the following salaries: In townships of the first class the sum of two hundred forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect, and ending December 31, 1915, and thereafter

a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may hereafter be allowed by law. Constables.

15. Each supervisor, one thousand dollars per annum and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner. Supervisors.

15a. There is created for counties of the fifty-first class the office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand two hundred dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid. Librarian.

16. Reporter. In counties of this class, the official reporter of the superior court shall receive a salary of seventy-five dollars per month to cover all work done in criminal cases, both in the superior court and justice's courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat. Official reporter.

17. The license collector, the sum of one thousand fifty dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and description rendered as such license collector; *and it is further provided,* that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office but are intended to change the compensation of the license collector from the fee system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-third session of the legislature. License collector.
Time in effect.

Jurors. 18. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law.

Witnesses. 19. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law.

CHAPTER 534.

An act to add a new section to the Political Code, to be numbered four thousand two hundred seventy-three a, relating to the mileage and per diem of jurors in counties of the forty-fourth class.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION. 1. A new section is hereby added to the Political Code to be numbered four thousand two hundred seventy-three a, and to read as follows:

Counties of
44th class,
jurors' fees.

4273a. In counties of the forty-fourth class grand jurors and trial jurors of the superior court shall each receive for each day's attendance the sum of three dollars per day, and for each mile of actual travel in attending court, twenty cents per mile, one way only.

CHAPTER 535.

An act to amend section four thousand two hundred seventy-five of the Political Code, relating to the salaries of county and township officers in counties of the forty-sixth class, and fixing the mileage and per diem of jurors in counties of the forty-sixth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-five of the Political Code is hereby amended to read as follows:

Counties of
46th class,
salaries of
officers.

County
clerk.

4275. In counties of the forty-sixth class, all 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: The county clerk, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand two hundred dollars per annum, and one deputy who shall receive a salary of

eight hundred dollars per annum; the deputies herein provided for shall be appointed by the county clerk, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. All fees collected by the clerk as are now or may hereafter be required by law shall by him be paid into the county treasury.

The sheriff, five thousand dollars per annum, and the fees *Sheriff.* 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 magistrate of his county.

The recorder, one thousand four hundred forty dollars per annum, and, in addition thereto, all fees which said recorder is now or may hereafter be entitled to receive as such recorder, or which are now or may hereafter be required by law to be collected by said recorder. *Recorder.*

The auditor, one thousand four hundred sixty dollars per annum, and in addition thereto all commissions and fees permitted by any law of this state or of the United States to be collected by the auditor as an officer or ex officio officer, his deputies or assistants for the performance of any official duty. *Auditor.*

The treasurer, two thousand three hundred forty dollars per annum; and in addition thereto all commissions and fees permitted by any law of this state or of the United States to be collected by the treasurer as an officer or ex officio officer, his deputies or assistants for the performance of any official duty. *Treasurer.*

The tax collector, one thousand five hundred dollars per annum; *provided*, that there shall be allowed to the tax collector one deputy for five months in each year at a salary of seventy dollars per month, and one deputy for one month in each year at a salary of fifty dollars per month; the deputies herein provided for shall be appointed by the tax collector, and their salaries shall be paid by said county out of the same funds as the salary of the tax collector is paid; *provided, further*, that all commissions and fees required or permitted by any law of this state or of the United States to be collected by the tax collector either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the general fund of the county monthly. *Tax collector.*

The assessor, four thousand dollars per annum; *provided*, that said assessor shall be entitled to receive and retain for his own use four per cent only on personal property tax collected by him as authorized by section three thousand eight hundred twenty of the Political Code of the State of California. *Assessor.*

The district attorney, two thousand four hundred dollars per annum; *provided, further*, that in counties of this *District attorney.*

class, there shall be and is hereby allowed to the district attorney a stenographer or office clerk, to be appointed by the district attorney, who shall receive a salary of nine hundred dollars per annum, to be paid in equal monthly installments, at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid.

Coroner.

The coroner, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator.

The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent of
schools.

The superintendent of schools, two thousand seven hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools, and who shall serve as secretary of the county board of education without compensation; *provided*, that in counties of this class there shall be and there is allowed to the superintendent of schools one deputy who shall receive a salary of one thousand dollars per annum; the deputy herein provided for shall be appointed by the superintendent of schools, and the salary of the said deputy shall be paid by said county in equal monthly installments at the same time, in the same manner and out of the same funds as the salary of the superintendent of schools is paid.

Surveyor.

The surveyor, such fees as are now or may be hereafter allowed by law.

Justices
of peace.

Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population less than five hundred, twenty dollars per month.

Constables.

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.

Supervisors, the sum of one hundred twenty-five dollars per month each; mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate two hundred fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county. Supervisors.

The official reporters, same as now provided by law. Official reporters.

In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend. Jurors.

SEC. 2. The compensation, fees, mileage and expenses provided for herein are intended to affect present incumbents and shall take effect and be in force ninety days after the passage and approval of this act. Time in effect.

CHAPTER 536.

An act to amend sections one, four, five, eight, nine, ten, of an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators, and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act establishing and creating a department of the state mining bureau, for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing Stats. 1915, p. 1404.

his compensation; providing for the employment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators, and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, is hereby amended to read as follows:

Department
of petroleum
and gas
created.

Section 1. A separate department of the state mining bureau is hereby established and created, to be known as the department of petroleum and gas. Such department shall be under the general jurisdiction of the state mineralogist. He shall appoint a supervisor who shall be either a competent engineer or geologist experienced in the development and production of petroleum, or a competent oil operator, having had not less than five years' actual practical experience in California oil fields, and who shall be designated the "state oil and gas supervisor," and whose term of office shall be four years from the date of his appointment.

Stats. 1917,
p. 1587.

SEC. 2. Section four of said act, approved June 10, 1915, as amended, is hereby amended to read as follows:

Deputies.

SEC. 4. It shall be the duty of the state oil and gas supervisor to appoint one chief deputy and five field deputies, one for each of the districts hereinafter provided for, and prescribe their duties and fix their compensation, which shall not exceed four thousand dollars per annum for the chief deputy, and not to exceed three thousand six hundred dollars per annum for each field deputy. Such deputies shall serve during the pleasure of the supervisor. He shall also employ an attorney at a compensation not exceeding three thousand dollars per year, payable out of said fund. The supervisor and the deputies shall not be subject to the civil service act.

Stats. 1917,
p. 1587.

SEC. 3. Section five of said act, approved June 10, 1915, as amended, is hereby amended to read as follows:

Qualifica-
tions of
deputies.

SEC. 5. The chief deputy appointed by the supervisor shall be a competent engineer or geologist experienced in the development and production of petroleum; and each field deputy shall be either a competent engineer or geologist, experienced in the development and production of petroleum, or shall be a competent and experienced oil operator, having had not less than five years' actual experience in the oil fields of the State of California. At the time any field deputy is appointed, notice of such appointment shall be transmitted in writing to the board of commissioners of the district for which said deputy is appointed, which field deputy shall maintain an office in the district for which he is appointed, convenient of access to the petroleum and gas operators therein. The office shall be open and the deputy shall be present at certain specified times, which shall be posted at such office.

SEC. 4. Section eight of said act, approved June 10, 1915, Stats 1917, p. 1588. as amended, is hereby amended to read as follows:

Sec. 8. It shall be the duty of the supervisor to order such tests or remedial work as in his judgment are necessary to protect the petroleum and gas deposits from damage by underground water, to the best interests of the neighboring property owners, and the public at large. The order shall be in written form, signed by the supervisor, and shall be served upon the owner of the well, or the local agent appointed by such owner, either personally or by mailing a copy of said order to the post-office address given at the time the local agent is designated, or if no such local agent has been designated, by mailing a copy of said order to the last known post-office address of said owner, or if the owner be unknown by posting a copy of said order in a conspicuous place upon the property, and publishing the same in some newspaper of general circulation throughout the county in which said well is located, once a week for two successive weeks. Said order shall specify the condition sought to be remedied and the work necessary to protect such deposits from damage from underground waters. For this purpose each operator or owner shall designate an agent, giving his post-office address, who resides within the county where the well or wells are located, upon whom all orders or notices provided for in this act may be served. Tests and remedial work.

Whenever the supervisor or any deputy supervisor or inspector makes any written recommendation or gives any written direction concerning the drilling, testing or other operation in any oil or gas well drilled, in process of drilling or being abandoned, and the operator, owner or representative of either, serves written notice, either personally or by mail, addressed to the supervisor or his deputy at his office in the district, requesting that a definite order be made upon such subject, the supervisor or his deputies shall, within five days after such notice, deliver a final written order on such subject matter in such manner and form that an appeal may be taken at once therefrom, to the board of oil and gas commissioners of the district created under this chapter.

SEC. 5. Section nine of said act, approved June 10, 1915, Stats. 1917, p. 1588. as amended, is hereby amended to read as follows:

Sec. 9. The well owner, or his or its local agent, may, within ten days from the date of the service of any order from the supervisor or his chief deputy or field deputy, file with the supervisor or his deputy in the district where the property is located, a written statement that the order is not acceptable, and that appeal from said order is taken to the board of commissioners of said district under the provisions of this chapter. Such appeal shall operate as a stay of any order issued under or pursuant to the provisions of this act. Immediately upon the filing of such notice of appeal, the deputy supervisor of the district, as secretary ex officio of the board of oil and gas commissioners, shall immediately call owner's objections.

a meeting of said commissioners to hear and pass upon said appeal. The hearing upon said appeal before said district board of oil and gas commissioners, shall be de novo and at such place in the district as the commissioners may designate, and within ten days from the taking of such appeal; five days' notice in writing shall be given to the appellant of the time and place of such hearing, and for good cause the commissioners may postpone such hearing on the application of appellant, or the state oil and gas supervisor, or the field deputy in said district, for not exceeding five days.

Stats. 1917,
p. 1589.

SEC. 6. Section ten of said act, approved June 10, 1915, as amended, is hereby amended to read as follows:

State divided
into five
districts.

Sec. 10. For the purposes of this act, the state shall be divided into five districts, as follows:

District No. 1, including the counties of Los Angeles, Riverside, Orange, San Diego, Imperial, and San Bernardino.

District No. 2, the county of Ventura.

District No. 3, including the counties of Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, San Benito, Santa Clara, Contra Costa, San Mateo, Alameda, and San Francisco.

District No. 4, including the counties of Tulare, Inyo, and Kern.

District No. 5, including the counties of Fresno, Madera, Kings, Mono, Mariposa, Merced and all other counties in California not included in any of said other districts.

District oil
and gas com-
missioners
elected.

There shall be elected, at the times and in the manner hereinafter provided, district oil and gas commissioners for each such district, as follows: For district number one, five; for district number two, five; for district number three, five; for district number four, seven; for district number five, five.

Said district oil and gas commissioners shall be elected by vote of the companies, individuals, copartnerships or associations, who shall have been assessed, and whose names shall appear on the last record of assessments (next preceding such election) for and on account of the fund in this act provided to be raised, within said districts respectively, said vote to be taken at a meeting to be held in each of said districts, respectively, and on the third Monday in September of each year, such place and the time and details of such meeting to be fixed by the state oil and gas supervisor, and of which meeting at least two weeks previous notice shall have been given by letter addressed to each of said persons, corporations, copartnerships and associations, entitled to vote as aforesaid, at his or its post-office address or principal place of business.

Votes to
which voter
entitled.

At said meeting each of those entitled to vote as herein provided may be represented by one person holding the written authority of such voter to act for him at such meeting. At said meeting each voter shall be entitled to one vote for each member of the board of district oil and gas commissioners who are required to be selected for such district. In addition thereto, in each district in which five commissioners are to be

lected, each voter shall be entitled, for each one hundred dollars, or fraction thereof, which said voter shall have paid in accordance with his last assessment hereunder, to cast one vote for the two commissioners who are elected for three years; and in each district in which seven commissioners are to be elected, each voter shall be entitled, for each one hundred dollars, or fraction thereof, which such voter shall have paid in accordance with his last assessment hereunder, to cast one vote for the three commissioners who are elected for three years. In all subsequent elections the qualification of voters in the election of a commissioner shall be the same as in the election of the commissioner whose successor in office is being elected. Said meeting shall select by ballot, by a majority vote of the votes represented, the number of persons as hereinbefore specified to act as district oil and gas commissioners for such district. In any district entitled to seven commis- Term.
sioners, two shall be chosen for a term of one year, two for two years and three for three years. In any district entitled to five commissioners, one shall be chosen for a term of one year, two for two years and two for three years.

The chairman and secretary of the meeting shall issue a Certificate of election.
written certificate to the state oil and gas supervisor, setting forth the result of such election, and the name and address of each of the persons elected at said meeting as the district oil and gas commissioners for said district, and the term for which each has been elected. No person shall be eligible as a district Eligibility.
oil and gas commissioner who is not a resident of the district for which he is elected, nor shall any person be eligible for such position who is not actually engaged in the business of oil or gas development or production within the district. Upon receipt of the certificate so made by the chairman and secretary of any such meeting, the state oil and gas supervisor shall issue a certificate of election to the respective persons in said district named as the district oil and gas commissioners for said district, and for the periods of one, two or three years from and after the first Monday in October, 1917, as shall be shown in such certificate, and until their respective successors shall have been elected.

Within thirty days after their appointment by the state oil Chairman.
and gas supervisor, the district oil and gas commissioners for each district shall meet at a time and place within the district to be designated by the state oil and gas supervisor, and shall thereupon select one of the number as chairman. The deputy supervisor of the district shall be ex officio secretary of said board, and shall keep a record of its proceedings, and his office shall be the office of the commissioners.

Each board of commissioners may appoint one of its number Assistant secretary.
as assistant secretary who shall, in the absence of the secretary, keep the minutes of said board, and shall perform such further secretarial duties as the board, by resolution, may direct.

Attorney.

In case of any litigation in which any district board of oil and gas commissioners shall be a party, such board shall have full authority to employ a competent attorney for each such litigation, and to fix his compensation, either before or after his services shall be concluded, and said compensation shall, when certified by the chairman of said board and by the state board of control, be paid from the fund created by this chapter.

Expenses.

Said commissioners shall serve without compensation, except their necessary traveling expenses and other actual expenses incident to their office.

In case of any hearing upon appeal before any board of district oil and gas commissioners, they shall have authority to employ a competent stenographer to take the testimony and proceedings, and in case either party shall take proceedings in the superior court, by writ of certiorari, from any order or decision of such board, it shall cause the stenographer so employed to make a full transcript of the testimony and proceedings before said board of commissioners, and three copies in addition to the original thereof. The original and one copy shall be for the use of said board of commissioners, and one copy shall be furnished to the state oil and gas supervisor, and one copy shall be furnished to the owner of the well in question. The cost and expense of employing any such stenographer, and the transcribing of his notes and making said copies, shall be part of the expenses of said commissioners, and when certified by the chairman of said board, and audited by the state board of control, shall be paid from said fund.

The traveling expenses of said commissioners, and all actual expenses incurred by or under the order of said commissioners, in the hearing and determination and carrying out of orders appealed to them, shall be certified by the deputy supervisor and the chairman of such board of supervisors, to the state supervisor, and when audited by him and by the state board of control, shall be paid from said fund.

Successors elected.

On the third Tuesday in September of each year at an hour and place in said respective districts to be fixed by the state oil and gas supervisor, and of which notices shall have been given as hereinbefore specified, the successor of each of the district oil and gas commissioners whose term of appointment shall expire that year, shall be elected and qualified in the manner and subject to the provisions hereinbefore set forth, and the term of each shall be for a period of three years from and after the first Monday in October next succeeding.

Recall of commissioners.

All, either or any of the district oil and gas commissioners elected in any district may be recalled by the votes of a majority of the qualified voters of the district entitled to vote as to such commissioners, respectively. In case there shall be filed in the office of the state oil and gas supervisor, a written petition, signed by not less than forty per cent of those entitled to vote as to the election of any commissioner or commissioners, asking the recall of such commissioner or commissioners, said

state oil and gas supervisor shall, within ten days thereafter, order and give notice of, a special election in such district to fill the office or offices of the commissioner or commissioners named in said petition for recall; and shall cause notice to be given of said election in the manner and for the time required for regular election, and said notice shall fix the time and place of such election. At such election, the commissioner or commissioners named in such petition for recall shall be voted upon as though candidates for election for the unexpired portion of the term for which they, respectively, were originally elected, and any other candidate or candidates may, at the same time, be voted upon. It shall require a majority of all the qualified votes entitled to vote for such commissioners, respectively, to constitute an election. In case less than a majority of all qualified votes shall be cast for any candidate, said recall shall be deemed to have failed as to the commissioner concerning whose office such vote was taken; and in case such commissioner himself shall receive a majority of the votes, said recall shall be deemed to have failed, and in either of such cases, such commissioner shall continue to serve until the expiration of his term, as though no such special election had been held. But in case any person other than such commissioner shall receive a majority of the votes for such unexpired term, then such recall shall become effective and the office of the commissioner so recalled shall be vacant and upon written certificate of such election being filed with the state oil and gas supervisor, the person so chosen and elected for such unexpired term shall become the successor of the commissioner so recalled, and a certificate of his election for such unexpired term shall be issued and transmitted to him by the state oil and gas supervisor. And like proceedings shall be had in case more than one commissioner shall be included in said petition for recall.

Recall of
commis-
sioners.

In all recall elections, qualifications for voters and the number of votes which they will be entitled to cast shall be the same as they respectively were in the election of the commissioner as to whom such recall election is being held.

Voting
in recall
elections.

In case of vacancy caused by the death, resignation or removal from district or ceasing to be engaged in the business of development or production of oil or gas in the district as to the office of any commissioner, such vacancy shall be filled until the next annual election by the remaining commissioners of such district.

Vacancy.

Upon any subject in which any commissioner is personally interested, or upon which any corporation, copartnership, association or individual by whom he is employed is directly interested as a party, such commissioner shall not be entitled to sit or vote. The board of commissioners shall be entitled to call upon the supervisor for advice and written report upon

Advice of
supervisor.

any matter referred to the board of commissioners, and the supervisor shall be entitled to call meetings of the commissioners at the office of the field supervisor, upon five days' written notice, to obtain their written advice upon any matters relating to his work within their district.

CHAPTER 537.

An act to amend section four thousand two hundred thirty-nine of the Political Code, relating to county officers in counties of the tenth class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-nine of the Political Code is hereby amended to read as follows:

Counties of
10th class,
salaries of
officers.

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, to wit:

County
clerk.

1. The county clerk, two thousand five hundred dollars per annum and such fees as are allowed by law; *provided*, that he shall appoint one chief deputy at a salary of one thousand six hundred twenty dollars per annum, two courtroom deputies at a salary of one thousand three hundred twenty dollars per annum each, two office deputies at one thousand three hundred twenty dollars per annum each, and one copyist at a salary of nine hundred dollars per annum, whose duty it shall be to act as copyist for the county clerk as such, as well as for the clerk as ex officio clerk of the board of supervisors and do copying work when required by the board of supervisors; and deputy clerks not to exceed three in number for the purpose of registering electors in the office of the county clerk, to be paid at not to exceed seventy-five dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and said deputies shall be employed only between the first day of January and the first day of December of such years; one or more deputies for the purpose of registering electors outside of the county seat in said years, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

Sheriff.

2. The sheriff, two thousand dollars per annum; *provided*, he shall appoint one undersheriff at a salary of one thousand eight hundred dollars per annum and four deputy sheriffs at a salary of one thousand five hundred dollars per annum each;

one deputy sheriff at a salary of nine hundred dollars per annum; and one deputy sheriff to be paid for only between June first and October first each year (four months), at a salary of seventy-five dollars per month; and a person to act as matron of the county jail at a salary of seventy-five dollars per month. Said undersheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section four thousand three hundred b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

3. The recorder, two thousand four hundred dollars per annum; *provided*, that the recorder shall appoint one chief deputy at a salary of one thousand six hundred twenty dollars per annum, one copyist, who may also perform the duties of a deputy at a salary of one thousand one hundred twenty dollars, three copyists at a salary of nine hundred dollars each per annum, to be paid at the same time and in the same manner as county officers are paid. Recorder.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand four hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one deputy at a salary of one thousand two hundred dollars per annum; one deputy at a salary of one thousand dollars per annum, and two copyists at a salary of seven hundred twenty dollars per annum each, to be paid at the same time and in the same manner as county officers are paid. Auditor.

5. The treasurer, two thousand dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of one thousand two hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. Treasurer.

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one revenue and taxation deputy at a salary of one thousand five hundred dollars per annum; *and provided, further*, that he shall appoint one stenographer to be paid only between July first and January first of each year, at a salary of seventy-five dollars per month; *and provided, further*, that he shall be allowed additional help to be employed by him when needed, at an expense of not to exceed the sum of one thousand dollars in any one year, to be paid at the same time and in the same manner as county officers are paid. Tax collector.

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one assistant assessor at a salary of one thousand six hundred twenty dollars Assessor.

Assessor.

per annum, one chief deputy at a salary of one thousand six hundred twenty dollars per annum and one title transfer deputy at a salary of one thousand three hundred twenty dollars per annum, one draftsman at a salary of one thousand three hundred twenty dollars per annum, one property ownership deputy at a salary of one thousand three hundred twenty dollars per annum, and one office deputy at a salary of one thousand three hundred twenty dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand dollars during any fiscal year. The salaries of which last named deputies shall be paid at the same time and in the same manner and from the same fund as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of four thousand dollars above mentioned, for any one fiscal year. The assessor shall also receive six per cent of the personal property tax collected by him and the amount allowed by law for making out the military roll.

District attorney.

8. The district attorney, three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of two thousand dollars per annum, and one deputy district attorney at a salary of one thousand five hundred dollars per annum, and one stenographer at a salary of nine hundred dollars per annum; said assistant, deputy and stenographer to be paid at the same time and in the same manner as county officers are paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county; *provided*, such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand six hundred twenty dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and one accountant at a salary of one thousand dollars per annum, payable at the same time and in the same manner as county officers are paid.

Surveyor.

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in

connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block-books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block-books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct; *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. And it shall be the duty of the county surveyor to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of one thousand dollars per annum, payable at the same time and in the same manner as county officers are paid; *provided, however*, that in cases of emergency additional help may be furnished the county surveyor by the board of supervisors at a compensation to be fixed by the board.

13. The justices of the peace, the following monthly salaries, Justices of peace. 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 thirteen thousand or more, one hundred fifty dollars per month;

In townships having a population of over eight thousand and less than thirteen thousand, ninety dollars per month;

In townships having a population of four thousand and less than eight thousand, sixty dollars per month;

In townships having a population of two thousand five hundred and less than four thousand, forty dollars per month;

In townships having a population of one thousand five hundred and less than four thousand, thirty-five dollars per month;

In townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month;

In townships having a population of nine hundred and less than one thousand five hundred, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1910.

14. In townships having a population of thirteen thousand Constables. or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred dollars per month; in townships having a population of eight thousand

Constables. and less than thirteen thousand, the sum of sixty dollars per month; in townships having a population of four thousand and less than eight thousand, the sum of forty dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1910.

Supervisors. 15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than six hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

Salaries payable monthly. 16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month.

Jurors. 17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, for each day's attendance, while serving as such juror, per day, three dollars; for each day's attendance when not selected to serve, two dollars. For attending justice's court, for each juror sworn to try the cause, per day, in

civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee. For each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

CHAPTER 538.

An act to repeal sections one thousand five hundred thirty-seven, one thousand five hundred thirty-eight, one thousand five hundred thirty-nine, one thousand five hundred forty, one thousand five hundred forty-two, one thousand five hundred forty-three and one thousand five hundred forty-four of the Code of Civil Procedure, relating to sales by executors and administrators.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Sections one thousand five hundred thirty-seven, one thousand five hundred thirty-eight, one thousand five hundred thirty-nine, one thousand five hundred forty, one thousand five hundred forty-two, one thousand five hundred forty-three and one thousand five hundred forty-four of the Code of Civil Procedure are hereby repealed. ^{Repealed.}

CHAPTER 539.

An act to amend sections one thousand five hundred sixteen, one thousand five hundred seventeen, one thousand five hundred twenty-two, one thousand five hundred twenty-three, one thousand five hundred twenty-five, one thousand five hundred thirty-six, one thousand five hundred forty-five, one thousand five hundred forty-seven, one thousand five hundred forty-nine, one thousand five hundred fifty-two, one thousand five hundred fifty-four, one thousand five hundred fifty-five, one thousand five hundred fifty-nine, one thousand five hundred sixty-five, and one thousand five hundred seventy of the Code of Civil Procedure, relating to sales and conveyances of property of decedents.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred sixteen of the Code of Civil Procedure is amended to read as follows:

1516. All of the property of a decedent shall be chargeable with the payment of the debts of the deceased, the expenses of ^{Estate} chargeable with debts.

administration, and the allowance to the family, except as otherwise provided in this code and in the Civil Code. And the said property, personal and real, may be sold in the manner prescribed in this chapter. There shall be no priority as between personal and real property for the above purposes.

No priority.

SEC. 2. Section one thousand five hundred seventeen of the Code of Civil Procedure is amended to read as follows:

No sales valid, except by order of superior court.

1517. The executor or administrator may sell any property of the estate of a decedent without order of court, and at either public or private sale, as the executor or administrator may determine; but no sale of such property is valid unless the same be under oath reported to and confirmed by the court, and the title to the property does not pass until such sale be so confirmed by the court.

SEC. 3. Section one thousand five hundred twenty-two of the Code of Civil Procedure is amended to read as follows:

Perishable and depreciating property to be sold.

1522. At any time after receiving letters, the executor, administrator, or special administrator may sell perishable and other personal property likely to depreciate in value, or which will incur loss or expense by being kept, and so much other personal property as may be necessary to pay the allowance made to the family of the decedent. The executor, administrator, or special administrator is responsible for the property, unless, after making a sworn return, and on a proper showing, the court shall approve the sale.

SEC. 4. Section one thousand five hundred twenty-three of the Code of Civil Procedure is amended to read as follows:

Order to sell personal property.

1523. If claims against the estate have been allowed, and a sale of property is necessary for their payment, or for the expenses of administration, or for the payment of legacies, the executor or administrator may sell so much of the personal property as may be necessary therefor. He may also make a sale from time to time, so long as any personal property remains in his hands, and sale thereof is necessary. If it appear for the best interests of the estate, he may, at any time after filing the inventory, in like manner, and after giving notice by publication for two weeks in a newspaper of general circulation, printed and published in the county, sell the whole of the personal property belonging to the estate, whether necessary to pay debts or not: *provided*, that the court may, by order, shorten the time of notice to like publication for one week.

SEC. 5. Section one thousand five hundred twenty-five of the Code of Civil Procedure is amended to read as follows:

Order of sales.

1525. In making orders and sales for the payment of debts or family allowance, such articles as are not necessary for the support and subsistence of the family of the decedent, or are not specially bequeathed, must be first sold.

SEC. 6. Section one thousand five hundred thirty-six of the Code of Civil Procedure is amended to read as follows:

1536. When a sale of property of the estate is necessary to pay the allowance of the family, or the debts outstanding against the decedent, or the debts, expenses, or charges of administration, or legacies; or when it is for the advantage, benefit, and best interests of the estate, and those interested therein, that the real estate, or some part thereof, be sold, the executor or administrator may sell any real as well as personal property of the estate.

When executor or administrator may sell property

SEC. 7. Section one thousand five hundred forty-five of the Code of Civil Procedure is amended to read as follows:

1545. If the executor or administrator neglects or refuses to sell the property of the estate when it is necessary or when it is for the advantage, benefit and best interests of the estate and those interested therein, that the real estate or some portion thereof be sold, any person interested may make application to the court, that the executor or administrator be required to sell, and notice of such application must be given to the executor or administrator before the hearing.

Interested persons may apply for order of sale.

SEC. 8. Section one thousand five hundred forty-seven of the Code of Civil Procedure is amended to read as follows:

1547. When a sale is to be made at public auction, notice of the time and place of sale must be posted in three of the most public places in the county in which the land is situated, and published in a newspaper, if there be one printed in the same county, but if none, then in such paper as the court may direct, for two weeks successively next before the sale; *provided, however,* that when it appears from the inventory and appraisalment that the value of the whole estate does not exceed five hundred dollars the court, or a judge thereof, may in his discretion dispense with the publication in a newspaper and order notices be posted. The lands and tenements to be sold must be described with common certainty in the notice.

Posting of public auction sale notice.

SEC. 9. Section one thousand five hundred forty-nine of the Code of Civil Procedure is hereby amended to read as follows:

1549. When a sale of real estate is to be made at private sale, notice of the same must be posted up in three of the most public places in the county in which the land is situated, and published in a newspaper, if there be one printed in the same county, if none, then in such paper as the court or judge may direct, for two weeks successively next before the day on or after which the sale is to be made, in which the lands and tenements to be sold must be described with common certainty. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The day last referred to must be at least fifteen days from the first publication of notice; and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing and may be left at the place designated in the notice, or delivered to the executor or administrator personally, or may be filed in the

Private sale of real estate.

Bids

office of the clerk of the court to which the return of sale must be made, at any time after the first publication of the notice and before the making of the sale. If it be shown that it will be for the best interests of the estate the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen but not less than eight days from the first publication of the notice in which case the notice of sale and the sale may be made to correspond with such order; *provided, however*, that when it appears from the inventory and appraisement that the value of the whole estate does not exceed five hundred dollars the court, or a judge thereof, may in his discretion dispense with the publication in a newspaper and order notices be posted. The lands and tenements to be sold must be described with common certainty in the notice.

SEC. 10. Section one thousand five hundred fifty-two of the Code of Civil Procedure is hereby amended to read as follows:

1552. The executor or administrator, after making any sale of real estate, must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the sale. A hearing upon the return of the proceedings may be asked for in the return or by petition subsequently, and thereupon the clerk must fix the day for the hearing, of which notice of at least ten days must be given by the clerk, by notices posted in three public places in the county or by publication in a newspaper, and must briefly indicate the land sold, and must refer to the return for further particulars. Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and witnesses in relation to the sale, and if good reason does not exist for such sale, or if the proceedings for the sale were unfair or the sum bid disproportionate to the value and it appears that a sum exceeding such bid at least ten per cent exclusive of the expenses of a new sale may be obtained, the court may vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no previous sale had taken place. If an offer 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.

SEC. 11. Section one thousand five hundred fifty-four of the Code of Civil Procedure is hereby amended to read as follows.

1554. If it appears to the court that there is reason for a sale upon the grounds set forth in section one thousand five hundred thirty-six of this code and that the sale was legally made and fairly conducted, and that the sum bid was not

Time of notice may be shortened, when.

Return of execution.

Notice of hearing of return.

May vacate sale and order new one.

Order of confirmation of sale.

disproportionate to the value of the property sold, and that a greater sum, as above specified, can not be obtained, or if the increased bid mentioned in section one thousand five hundred fifty-two be made and accepted by the court, the court must make an order confirming the sale, and directing conveyances to be executed. The sale, from that time, is confirmed and valid, and a certified copy of the order confirming it and directing conveyances to be executed must be recorded in the office of the recorder of the county in which the land sold is situated. If, after the confirmation, the purchaser neglects or refuses to comply with the terms of the sale, the court may, on motion of the executor or administrator, and after notice to the purchaser, order a resale to be made of the property. If the amount realized on such resale does not cover the bid and the expenses of the previous sale, such purchaser is liable for the deficiency to the estate. Resale

SEC. 12. Section one thousand five hundred fifty-five of the Code of Civil Procedure is hereby amended to read as follows:

1555. Conveyances must thereupon be executed to the purchaser by the executor or administrator, and they must refer to the orders of the court confirming the sale of the property of the estate, and directing conveyances thereof to be executed, and to the record of the order of confirmation in the office of the county recorder, either by the date of such recording, or by the date, volume, and page of the record, and such reference shall have the same effect as if the orders were at large inserted in the conveyance. Conveyances so made convey all the right, title, interest, and estate of the decedent, in the premises, at the time of his death; if prior to the sale, by operation of law or otherwise, the estate has acquired any right, title, or interest in the premises, other than or in addition to that of the decedent at the time of his death, such right, title, or interest also passes by such conveyances. Conveyances.

SEC. 13. Section one thousand five hundred fifty-nine of the Code of Civil Procedure is hereby amended to read as follows:

1559. Any executor or administrator may enter into a contract with any bona fide real estate agent to secure a purchaser for any real property belonging to an estate, which contract shall provide for payment to such agent out of the proceeds of sale to any purchaser secured by him of a commission, the amount of which must be fixed and allowed by the court upon confirmation of the 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 for the amount so fixed and allowed by the court. Commissioners
for sales of
real estate.

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.

SEC. 14. Section one thousand five hundred sixty-five of the Code of Civil Procedure is hereby amended to read as follows:

Sale of
contracts
for purchase
of lands.

1565. If a decedent, at the time of his death, was possessed of a contract for the purchase of lands, his interest in such land and under such contract may be sold by his executor or administrator, in the same manner as if he had died seized of such land, and the same proceedings may be had for that purpose as are prescribed in this chapter for the sale of lands of which he died seized, except as hereinafter provided.

SEC. 15. Section one thousand five hundred seventy of the Code of Civil Procedure is hereby amended to read as follows:

Holder of
lien or
mortgage
in
purchase
lands.

1570 At any sale of lands upon which there is a mortgage or lien, the holder thereof may become the purchaser, and his receipt for the amount due him from the proceeds of the sale is a payment pro tanto. If the amount for which he purchased the property is insufficient to defray the expenses and discharge his mortgage or lien, he must pay the court, or the clerk thereof an amount sufficient to pay such expenses.

CHAPTER 540.

An act to provide for the issuance and sale of state bonds to create a fund to carry out the objects of an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and any and all acts amendatory thereof or supplemental thereto; to create a sinking fund for the payment of said bonds; to define the duties of said officers in relation thereto; to appropriate money for the expense of printing and advertising the sale of said bonds; and to provide for the submission of this act to a vote of the people.

[Approved May 27, 1919. In effect—See sections 8-9.]

The people of the State of California do enact as follows:

Bonds for
land
settlement
fund

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred to carry out the objects and to be expended in accordance with the provisions of an act entitled, "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and any and all acts amendatory thereof or supplemental thereto, the object of which act is to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European wars or other wars of the United States, including former American citizens in allied armies against the

central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement and to provide homes for farm laborers. the state treasurer shall, immediately, after the issuance of the proclamation of the governor provided for in section ten hereof, prepare thirty-two thousand suitable bonds in the denominations as hereinafter specified. The Limit of issue. whole issue of said bonds shall not exceed the sum of ten million dollars and said bonds shall bear interest at the rate of four and one-half per cent per annum from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard of value, and they shall be payable at the office of the state treasurer or at the office of any duly authorized agent of the state treasurer at the times and in the manner following, to wit:

The first eight hundred of said bonds aggregating two When paid. hundred fifty thousand dollars shall be due and payable on the second day of January, 1931, and eight hundred of said bonds, aggregating two hundred fifty thousand dollars in consecutive numerical order shall be due and payable on the second day of January in each and every year thereafter until and including the second day of January, 1971. In each lot of eight hundred bonds there shall be one hundred one thousand dollar bonds, two hundred five hundred dollar bonds and five hundred one hundred dollar bonds. Said bonds shall bear date the second day of January, A. D. 1921. 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 July and on the second day of January 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, 1922, on so many of said bonds as may have been heretofore sold.

At the expiration of fifty years from the date of said bonds, Life of bonds all bonds sold shall cease to bear interest and likewise all bonds redeemed 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 land settlement sinking fund provided for in this act, and he shall on the first Monday of January, 1971, also cancel and destroy all bonds not theretofore sold. All bonds issued shall bear the signature of the governor and the lithograph countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by signature stamp adopted for this particular bond issue and the said bonds shall be signed, countersigned and endorsed by the officers who are in office on the second day of January, 1921, 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 present 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 giving the date upon which it is subject to redemption in accordance with the provisions of this act and that interest will cease upon such date.

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 January, 1921. 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.

Expenses of bond issue.

SEC. 3. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and advertising their sale. Said amount shall be refunded to the general fund of the state treasury out of the land settlement fund in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Sale of bonds.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the state land settlement board and approved by the governor of the state; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Notice of sale.

Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles and by publication in one newspaper published in

the city of Sacramento once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury to the credit of the land settlement fund and must be used exclusively to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the Central Powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers, in accordance with the provisions of an act entitled "An act creating a state land settlement board and defining its powers and duties and making appropriation in aid of its operations," approved June 1, 1917, and any and all acts amendatory thereof or supplemental thereto; *provided*, that upon demand of the governor the said land settlement board must pay over to the general fund of the state from the proceeds of the sale of bonds all or any part of any money which has heretofore or may be hereafter appropriated and advanced out of the general fund of the state treasury for the use of the state land settlement board. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the said treasurer, immediately after such sale, paid into the treasury of the state and placed in the land settlement sinking fund.

Use 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 "land settlement sinking fund" shall be, and the same is hereby created as follows, to wit: The state treasurer, after the second day of January, 1931, shall, on the first day of each and every month thereafter, after the sale of said bonds, take from the land settlement 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 land settlement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the land settlement 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

"Land
settlement
sinking
fund."

"Land settlement sinking fund."

labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest and principal 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 land settlement fund, and pay into said land settlement fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding.

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 land settlement fund. 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 become due and payable, 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.

Records and annual 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.

Time in effect.

SEC. 8. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1920, 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.

Election for ratification of act.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, 1920, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the California soldiers' land settlement act of 1919," and in the same square under said words the following in brevier type: "This act provides for preferential land settlement loans to those who served this country or its allies in the recent world's war or other wars of the United States." In the square immediately below the

square containing such words, there shall be printed on said ballot the words: "Against the California soldiers land settlement act of 1919" and immediately below said words "Against the California soldiers land settlement act of 1919" in brevier type shall be printed "This act provides for preferential land settlement loans to those who served this country or its allies in the recent world's war or other wars in the United States." Opposite the words "For the California soldiers land settlement act of 1919" and "Against the California soldiers land settlement act of 1919," there shall be left space 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 California soldiers land settlement act of 1919" and all those voting against the said act shall do so by placing a cross opposite the words "Against the California soldiers land settlement act of 1919." 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.

SEC. 11. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, 1920, the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the land settlement fund in accordance with this act.

SEC. 12. This act may be known and cited as the "California soldiers land settlement act of 1919."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Canvass
of votes.

Publication
of act
preceding
election.

Title.

Repealed.

CHAPTER 541.

An act to amend section four thousand two hundred eighty-two of the Political Code of the State of California, relating to the compensation of officers of counties of the fifty-third class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty-two of the Political Code of the State of California is hereby amended to read as follows:

4282. In counties of the fifty-third class, the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of
53d class,
salaries of
officers.

County
clerk.

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services, and said clerk may appoint one deputy clerk, which office of deputy county clerk is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the county clerk is paid.

Sheriff.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

Recorder.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims.

Auditor.

4. The auditor, three hundred dollars per annum.

Treasurer.

5. The treasurer, one thousand dollars per annum.

Tax
collector.

6. The tax collector, three hundred fifty dollars per annum.

Assessor.

7. The assessor, one thousand six hundred dollars per annum.

District
attorney.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public
adminis-
trator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, six hundred twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors, in any manner determined upon by said board, upon the enactment of this act, and also at the time of the formation of any new township or townships. Classification of townships.

Townships having a population of one thousand two hundred and more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: Justices of peace.
 In townships of the first class the sum of two hundred forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officials are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may be hereafter allowed by law. Constables.

15. Each supervisor, six hundred fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session. Supervisors.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive five dollars per day, but he shall not in any one year receive more than nine hundred dollars as supervisor.

16. The license collector, such compensation as the board of supervisors shall fix. License collector.

17. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, Jurors.

three dollars; for each mile actually traveled one way as such grand juror or trial juror in criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 542.

An act declaring and establishing a state highway between the present state highway in Butte county and the present state highway in Glenn county, over existing county roads passing through Butte city and Glenn post office to Willows.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

State
highway
established.

SECTION 1. That certain highway beginning at a point on the present state highway in Butte county about three miles northerly of the town of Biggs, thence extending westerly and crossing Cherokee canal and Butte creek and extending through Butte city and across the Sacramento river; thence northerly to Glenn post office; thence westerly to the town of Willows in Glenn county and the entire length thereof is hereby declared to be and the same is hereby constituted a state highway and said road is hereby placed under the supervision and control of the state department of engineering; *provided*, that the said department of engineering is empowered and authorized to improve the said road and to change the route thereof whenever and wherever it may deem expedient.

CHAPTER 543.

An act to amend sections two thousand two hundred ten a, two thousand two hundred ten b, two thousand two hundred ten c and two thousand two hundred ten e of the Political Code, relating to the Women's Relief Corps Home of California and the name, powers, election and compensation of its officers.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand two hundred ten a of the Political Code is hereby amended to read as follows:

Directors of
Women's
Relief Corps
Home.

2210a. The home is managed and controlled by a board of seven directors, appointed by the governor, to hold office

for two years from and after their appointment, unless sooner removed by him for cause. Each must, before entering upon the discharge of his duties, file with the secretary of state his oath of office, in the form prescribed by law.

SEC. 2. Section two thousand two hundred ten *b* of the Political Code is hereby amended to read as follows:

2210*b*. The board of directors must elect from their number a president, a vice president, a secretary and a treasurer, each of whom holds office for one year from his election. No member of said board other than the secretary and treasurer shall receive any compensation for his services. The secretary and treasurer shall receive for their services twenty-five dollars per month each, payable from the state treasury at the same time and in the same manner as the salaries of other state officers are paid. Election and compensation of officers.

SEC. 3. Section two thousand two hundred ten *c* of the Political Code is hereby amended to read as follows:

2210*c*. The board of directors must be known by the name and style of "the board of directors of the Women's Relief Corps Home of California," and by this name may sue and be sued in any of the courts of the state. Such board has power to manage such home, administer its affairs, make laws for its government, and adopt rules and regulations for its management, and a majority of its members constitute a quorum to transact its business. Powers of board.

SEC. 4. Section two thousand two hundred ten *e* of the Political Code is hereby amended to read as follows:

2210*e*. There shall be appropriated for each biennial period such sum of money as may be deemed necessary to support the inmates of said institution in accordance with the provisions of this chapter. Biennial appropriation.

CHAPTER 544.

An act to amend section one of an act entitled, "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, as amended.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act to provide for the regulation of fires on, and the protection and Stats. 1005, p. 233.

management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, as amended, is hereby amended to read as follows:

State board
of forestry.

Section 1. The governor shall appoint four persons, one of whom shall be familiar with the timber industry, one with the live stock industry, one with the grain and hay industry, and one at large, who together with the state forester, shall constitute the state board of forestry, which shall supervise and direct all matters of state forest policy, management and protection. Said board shall make rules and regulations for its government, and shall meet at such times and places as it sees fit. The members, except the state forester, shall receive no compensation for their services, but shall be paid actual traveling expenses which may be incurred in the performance of their official duties, which shall be paid out of the fund appropriated for the support of the state board of forestry.

CHAPTER 545.

An act to amend section one thousand eight hundred seventeen of the Political Code, relating to the county school tax for elementary schools.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand eight hundred seventeen of the Political Code is hereby amended to read as follows:

Estimate of
school fund
needed.

1817. The county superintendent of every county, and of every city and county, must, at least fifteen days before the first day of the month in which the board of supervisors of such county, or city and county, is required by law to levy the amount of taxes required for county, or city and county purposes, to furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of county or city and county school fund needed for the next ensuing school year. This amount he must compute as follows:

Number of
teachers.

First—The county superintendent of every county and of every city and county must ascertain in the manner provided for in subdivisions one and two of section one thousand eight hundred fifty-eight of the Political Code, the total number of teachers for the county, or the city and county.

Second—The county superintendent of every county and of every city and county must calculate the amount required to be raised at five hundred fifty dollars per teacher and the total amount so determined shall be the minimum amount of county, or city and county school fund needed for the ensuing school year; *provided*, that if this amount is less than sufficient to raise a sum equal to twenty-one dollars for each pupil in average daily attendance in the county, or city and county, for the school year closing June thirtieth preceding, then the minimum amount shall be such a sum as will be equal to twenty-one dollars for each pupil in average daily attendance in the county, or city and county, for the school year ending June thirtieth preceding; but in no case shall the rate of tax levied for county or city and county school purposes in any one year exceed fifty cents on each one hundred dollars of taxable property in the county or city and county.

Minimum
amount
of fund.

Tax rate.

CHAPTER 546.

An act to amend an act known as the "water commission act," approved June 16, 1913, by amending section one thereof, relating to the organization and duties of the state water commission.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act known as the "water commission act," approved June 16, 1913, is hereby amended to read as follows:

Stats. 1913,
p. 1012.

Section 1. For the purpose of carrying out the provisions of this act a state water commission consisting of five persons is hereby created and established. Two members of said commission shall be, ex officio, the governor of the state and the state engineer, respectively. Three members of said commission, one of whom shall be the executive member and the other two shall be associate members, shall be appointed by the governor for the term of four years; *provided, however*, that the members first appointed shall be appointed to hold office for the unexpired term of the members in office at the time this amendatory act takes effect. Such appointive commissioners shall be men of practical knowledge or experience in the application and use of waters for irrigation, mining and municipal purposes, and shall be so appointed that at least one thereof shall have had practical knowledge and experience in the use of water for agricultural purposes, and one thereof shall have had practical knowledge and experience in the use of water for mining purposes, and one thereof shall have had practical knowledge and experience in the use of water for

Water
commission
created.

Qualifica-
tions.

Salaries. municipal purposes. The executive member shall be president of the commission. The executive member of said commission shall receive as compensation for his services the sum of five thousand dollars per annum. Each of the associate members of said commission shall receive as compensation for his services fifteen dollars per day while actually engaged in the duties of his office. All members of the commission shall receive their actual and necessary traveling expenses. No commissioner who is directly or indirectly interested in any matter before the commission shall sit with the commission during the hearing of such matter; nor shall he be detailed by the commission to investigate or report on any such matter; nor shall he take part in any determination of any such matter. But the governor shall have the power and authority, upon request of the commission, to appoint pro tempore some disinterested person to sit and act in the place and stead of such interested commissioner. Such pro tempore commissioner shall have compensation for the time of service equal to the compensation of a commissioner during such service and shall have the power and authority of the same, only in the matter for the investigation and determination of which he shall have been appointed and his connection with the commission shall cease and determine upon the completion of the investigation and determination for which he was appointed. But the commissioner in whose place and stead he sits shall have power, compensation and authority in all other cases. It shall be the duty of the executive member of said commission to consider and act upon all applications for permits to appropriate water under the provisions of the water commission act and to do all things required or proper relating to such applications and his acts and orders in such matters shall be deemed the acts and orders of said commission; *provided, however*, that any person, firm, association, or corporation interested in any such application may appeal from any order of said executive member granting or refusing to grant a permit or a license to appropriate by filing with said commission a notice of appeal within thirty days after notice of such order is given as provided in the water commission act. Such notice of appeal shall be sufficient if it sets forth or refers to with reasonable certainty the order appealed from and the grounds of dissatisfaction therewith. Upon the filing of notice of appeal the said water commission shall review all papers and proceedings in the matter in which the order appealed from was made, take such additional evidence as it may deem proper, and enter its order in such matter affirming, reversing, or modifying in any way the order of said executive member.

Pro Tempore
commissioners.

Duty of
executive
member.

Appeal from
order of
commission.

CHAPTER 547.

An act to amend section six hundred thirty-three a of the Political Code, relating to the licensing of insurance brokers.

[Approved May 15, 1919. In effect July 22, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred thirty-three a of the Political Code is hereby amended to read as follows:

633a. No person, firm or corporation shall within this state act as an insurance broker until such person, firm or corporation shall have first obtained a license from the insurance commissioner authorizing him or it so to act. License to act as insurance broker.

Any person, firm or corporation, other than an insurance or surety company, or society, or agent of such company or society, or employee compensated by salary only and acting on behalf of such company or society or agent, or a medical examiner for a life insurance company or society, who, for compensation acts or aids in any manner in negotiating contracts of insurance or surety bonds or reinsurance or placing risks, or effecting insurance or reinsurance for a party other than himself or itself, shall be an insurance broker within the meaning of this section. Who are insurance brokers.

The insurance commissioner shall upon the payment of a fee provided for in section six hundred five of the Political Code, issue to a person, firm or corporation a license to act as an insurance broker to negotiate contracts of insurance or surety bonds, or reinsurance, or place risks, or effect insurance or surety bonds or reinsurance, with any insurance or surety company or society authorized to transact such business within this state, or with its agent, or with another broker; *provided, however,* that such proposed licensee shall first file with the insurance commissioner of the State of California, upon a form to be prescribed and furnished by said insurance commissioner, an application in writing duly verified under oath, reciting: License issued. Application.

First—The applicant's full name and address;

Second—The applicant's experience in the insurance business;

Third—If the applicant is engaged in any other business than insurance, the nature of such business and the name under which such business is conducted;

Fourth—If the applicant be a copartnership, the names of the partners comprising such copartnership, or if the applicant be a corporation, the names of the officers thereof;

Fifth—That the applicant intends to carry on in good faith the occupation of an insurance broker, and that said applicant does not seek a license as an insurance broker for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state.

Time in
force.

An insurance broker's license so issued shall remain in force until July first of any year after the date of the issuance thereof unless sooner revoked by the insurance commissioner. Such broker's license issued on an application as hereinbefore provided may in the discretion of the insurance commissioner be renewed upon expiration for a succeeding year upon the payment of a fee, provided for in section six hundred five of the Political Code, without requiring anew the details required in the original application.

Revocation
or suspension
of license.

If it shall be brought to the attention of the insurance commissioner that any insurance broker licensed hereunder has wilfully misstated any material fact in his application, or that the purpose or principal use of such license as an insurance broker is to avoid or prevent the operation or enforcement of any antirebate law or other insurance law of this state, or that such broker conducts his business in a dishonest manner or misrepresents the policies or contracts he negotiates or misrepresents the policies or contracts of any insurance or surety company, or is conducting his business in such a manner as to cause injury to the public and those dealing with him, then the insurance commissioner shall give notice to such insurance broker and cite him to appear before such insurance commissioner and show cause why his license as an insurance broker should not be suspended or revoked. If at the hearing of said order to show cause it shall appear that said insurance broker has wilfully misstated any material fact in his application to the insurance commissioner, or that the purpose or principal use of such license is to avoid or prevent the operation or enforcement of any antirebate law or other insurance law of this state, or that such broker conducts his business in a dishonest manner or misrepresents the policies or contracts he negotiates or misrepresents the policies or contracts of any insurance or surety company, or is conducting his business in such a manner as to cause injury to the public and those dealing with him, then the insurance commissioner shall either revoke or suspend the license of such insurance broker and shall notify such broker of such revocation or suspension, and shall publish a notice of the revocation or suspension of said insurance broker's license in such a manner as he deems proper for the protection of the public.

Action to
review facts.

If at any time the insurance commissioner revokes or suspends the license theretofore granted to a broker, such broker may commence an action against the insurance commissioner for the purpose of reviewing the facts and the law pertinent to the controversy, and for the purpose of obtaining relief, or canceling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts *de novo* without regard to the determination previously made by the insurance commissioner. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

Such action shall be commenced and tried in the superior court of the county in which such broker resides, unless the parties thereto stipulate otherwise.

The insurance commissioner may upon application issue to nonresident insurance brokers a license to transact insurance in this state subject to the same qualifications, requirements, restrictions and fees as provided for resident brokers.

Nonresident
brokers.

Any person, firm or corporation, who shall act or offer to act or assume to act as an insurance broker, unless licensed by the insurance commissioner as provided in this section, or after such license granted to him or it has been revoked, shall be guilty of a misdemeanor, but the policy issued on an application thus procured, shall bind the insurance company, if otherwise valid.

Penalty.

Nothing in this section shall apply to or in any way affect title insurance business, fraternal benefit societies or county mutual fire insurance companies.

Title
insurance,
etc., not
affected.

Nothing herein contained shall in any manner limit the fees provided for in section six hundred five of the Political Code.

Fees.

CHAPTER 548.

An act to amend sections two thousand two hundred seven c and two thousand two hundred seven f of the Political Code, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand two hundred seven c of the Political Code is hereby amended to read as follows:

2207c. The board of directors has power:

Powers of
directors of
Industrial
Home of
Mechanical
Trades for
Adult Blind.

1. To make by-laws for its government and the government and direction of the home, and prescribe conditions for the admission of applicants thereto, and the admission pursuant to such conditions, having regard to an equitable representation from each county of the state;

2. To designate the trades which must be regularly taught in the institution;

3. To elect a general superintendent and all subordinate officers and employees, and to determine the number thereof when not fixed by this chapter;

4. To elect a physician, not a member of the board, whose salary must not exceed one thousand two hundred dollars per annum;

5. To elect a secretary, whose salary must not exceed six hundred dollars per annum, who must give bond in the sum of five thousand dollars;

Powers of
directors of
Industrial
Home of
Mechanical
Trades for
Adult
Blind.

6. To prescribe in particular the duties of the superintendent, physician, and secretary;

7. To purchase, from time to time, such materials as may be suitable to the requirements of the manufacturing and other departments of the home, to audit the bills therefor, and to forward them to the state board of examiners;

8. To fix the market price of all wares manufactured in the home, and of all wares manufactured elsewhere by nonresident beneficiaries, and to provide for and regulate the sale of all such manufactured wares;

9. To fix the compensation of common laborers and of all other employees in the home, whose wages are not herein established;

10. To grade and fix the price of skilled and unskilled labor and the amount of work required in the various departments to constitute a day's labor, and to permit the inmates to work at piecework;

11. To authorize work to be let out to blind people, so that such beneficiaries as in their judgment may require it, may receive it at their residence, and for such piecework to pay liberal prices, so as to yield, as near as possible, the compensation of resident laborers; but in no case, to incur any indebtedness for labor contracts with the beneficiaries, resident or otherwise, when there is not sufficient money on hand to pay the same;

12. To take, receive, manage, and invest all moneys or property hereafter bequeathed or donated to said home, in accordance with the wishes of the testator or donor; or if no conditions are attached to the bequests or donations, then to invest such moneys or proceeds of property for the best interests of the home. If any donation or bequest is trammelled with any religious conditions of a sectarian character, or conditioned in any manner antagonistic to the provisions of this chapter, or in conflict with any necessary rule or regulation of the home, the board may refuse to accept such donation or bequest, and is hereby authorized to reject the same. Donations or bequests may be received by the state treasurer, or by the president of the board of directors; but no donation or bequest accompanied by any condition must be received until it has been ordered approved and received by the board, and notice thereof given by the secretary to the state controller. Any bequest or donation received or collected by the president of the board must be immediately paid over by him to the state treasurer, and at the same time the president must forward to the state controller a statement thereabout, verified by his oath. All moneys received by the state treasurer must be placed to the credit of the "fund of the industrial home of adult blind." The investment of funds by the board can be made only in the same manner as the approval of claims, subject likewise to the action of the state board of examiners thereon.

13. To appoint field officers or teachers to teach handicrafts to the adult blind of the state who are not inmates of the home

and give them such other instruction as may ameliorate their condition, and to prescribe the duties and fix the compensation of such field officers and teachers who shall be under the direction and supervision of the superintendent of the home.

14. To discharge from the home any inmate thereof, whenever in the discretion of the board such discharge is in furtherance of the primary object of the home, to give instruction in a trade or trades to the greatest possible number of the blind of the state to enable them to become self-supporting and to effect an equitable geographical distribution of the benefits of the home.

CHAPTER 549.

An act to provide how fraternal benefit societies organized under the laws of this state may consolidate, merge or reinsure to their insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. No fraternal benefit society organized under the laws of this state to do the business of life, accident, or health insurance, shall consolidate or merge with any other fraternal benefit society, or reinsure its insurance risks, or any part thereof, with any other fraternal benefit society, or assume or reinsure the whole or any portion of the risks of any other fraternal benefit society, except as herein provided. No fraternal benefit society or subordinate body thereof shall merge, consolidate with or be reinsured by any company or association not licensed to transact business as a fraternal beneficiary society.

Merging,
etc., of
fraternal
benefit
societies.

SEC. 2. When any such fraternal benefit society shall propose to consolidate or merge its business or to enter into any contract of reinsurance, or to assume or reinsure the whole or any portion of the risks of any other fraternal benefit society the proposed contract in writing setting forth the terms and conditions of such proposed consolidation, merger or reinsurance shall be submitted to the legislative or governing bodies of each of said parties to said contract after due notice, and if approved, such contract as so approved, shall be submitted to the commissioner of insurance of this state for his approval and the parties to said contract shall at the same time submit a sworn statement showing the financial condition of each of such fraternal benefit societies as of the thirty-first day of December preceding the date of such contract; *provided*, that

Approval of
contract by
insurance
commis-
sioner.

Approval
of contract
by insurance
commissioner.

such insurance commissioner may, within his discretion, require such financial statement to be submitted as of the last day of the month preceding the date of such contract. The commissioner of insurance shall thereupon consider such contract of consolidation, merger or reinsurance, and if satisfied that the interests of the certificate holders of such fraternal benefit societies, are properly protected, and that such contract is just and equitable to the members of each of such societies, and that no reasonable objection exists thereto, shall approve said contract as submitted. In case the parties incorporate to such contract shall have been incorporated in separate states, or territories, such contract shall be submitted as herein provided to the commissioner of insurance of each of such incorporating states, or territories, to be considered and approved separately by each of such commissioners of insurance. When said contract of consolidation, merger or reinsurance shall have been approved as hereinabove provided, such commissioner or commissioners of insurance shall issue a certificate to that effect, and thereupon the said contract of consolidation, merger or reinsurance shall be in full force and effect. In case such contract is not approved the fact of its submission and its contents shall not be disclosed by the commissioner of insurance.

Expenses of
proceedings.

SEC. 3. All necessary and actual expenses and compensation incident to the proceedings provided hereby shall be paid as provided by such contract of consolidation, merger or reinsurance; *provided, however*, that no brokerage or commission shall be included in such expenses and compensation or shall be paid to any person by either of the parties to any such contract in connection with the negotiation therefor or execution thereof, nor shall any compensation be paid to any officer or employee of either of the parties to such contract for directly or indirectly aiding in effecting such contract of consolidation, merger or reinsurance. An itemized statement of all such expenses shall be filed with the insurance commissioner, or commissioners, as the case may be, subject to approval, and when approved the same shall be binding on the parties thereto. Except as fully expressed in the contract of consolidation, merger or reinsurance, or itemized statement of expenses, as approved by the commissioner, or commissioners of insurance, as the case may be, no compensation shall be paid to any person or persons, and no officer or employee of the state shall receive any compensation, directly or indirectly, for in any manner aiding, promoting or assisting any such consolidation, merger or reinsurance.

Penalty.

SEC. 4. Any person violating the provisions of this act shall be guilty of a felony, and upon conviction shall be liable to a fine of not more than five thousand dollars, or to imprisonment for not more than five years, or to both fine and imprisonment.

CHAPTER 550.

An act empowering the state fish and game commission to collect statistical data of the commercial fisheries and to make investigations for the purpose of gaining knowledge for the conservation of the fisheries; providing a system for obtaining an accurate record of each variety of fish caught; providing for the registration of fishing boats and their fishing equipment, and providing penalties for violations of this act.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. It shall be the duty of the fish and game commission to gather data of the commercial fisheries and to prepare the data so as to show the real abundance of the most important commercial fishes; to make such investigations of the biology of the various species of fish as will guide in the collection and preparation of the statistical information necessary to determine evidence of overfishing; to make such investigations as will bring to light as soon as possible those evidences of overfishing as are shown by changes in the age groups of any variety of fish; to determine what measures may be advisable to conserve any fishery, or to enlarge and assist any fishery where that may be done without danger to the supply.

Data of commercial fisheries to be gathered.

SEC. 2. Every person, firm or corporation engaged in the business of buying, canning, curing or preserving fish, or manufacturing fish meal, fish oil or fish fertilizer, or dealing in fish, mollusks or crustaceans, shall make a legible record in the form of a receipt, said record to be in triplicate carbon copies and on forms to be furnished by the fish and game commission, which shall show the name of the fisherman and boat or the dealer from which the fish, mollusks or crustaceans were received, together with the date received, the weight of the fish, mollusks or crustaceans by species, the price received by the fishermen and the name of the person receiving same.

Record of fish, etc. received from fishermen.

It shall be stated in the record for what use the fish are intended, whether to be sold fresh or whether they are to be canned, cured, made into fish meal or fertilizer, or any other disposition is to be made of them, or if a commercial distinction is made between different sizes or qualities of any species or variety, it must be so stated on said record or receipt, and the record shall also state if the fish were taken in foreign waters, or in the high seas off another state or foreign country. The names used in the record for designating the variety or species of fish handled must be the name which is in common usage, and the fish and game commission shall have the power to decide what is the common usage name of any variety.

The original copy of this record shall be delivered to the fisherman at the time of the purchase or receipt of the fish, the

duplicate copy shall be kept by the dealer or person receiving the fish and the triplicate copy shall be delivered to the fish and game commission or any duly authorized assistant thereof.

When fish dealer, etc., catches own fish.

Where a fish dealer, canner or preserver catches his own fish he shall fill out the above record as required when he purchases the fish from fisherman or dealer or if it so desires the fish and game commission may furnish a separate form for such cases. It shall be the duty of the fish and game commission to preserve all such records of the fisheries as are obtained by it in places adequately safeguarded from fire or other destructive agencies and such records are to be kept in such manner as to render them accessible for reference or research, the intention being to guard against the destruction or such neglect of the records as will detract from their future value.

Record of fish caught.

SEC. 3. Any master of any otter or beam trawl, paranzella net or similar gear taking fish in the public waters of this state, or taking fish by such nets without the state and bringing the same within the state, shall keep a record in a book, to be furnished by said fish and game commission, stating the time and place of each haul made on each trip, the duration of the haul and approximate catch according to species or variety made in each haul, the time of the voyage and the total catch by species as weighed out when landed; *provided, further*, that where the owner of the vessel or boat is the dealer selling such fish, the information must be kept by the dealer in a form approved by the fish and game commission.

Annual statement of fish canneries.

SEC. 4. Every person, firm or corporation engaged in the business of canning, curing or preserving fish or manufacturing fishery products from fish or fish offal, shall render on or before the fifteenth day after the last day of each calendar year for the preceding year, a statement on forms to be furnished by the board of fish and game commissioners, showing name of person, firm or corporation, location of plant, kind of business, capital invested, number of persons employed, number of months operating, the amount and kind of fishery products canned, preserved or manufactured.

Annual statement of fishing boat owners.

SEC. 5. Every person, firm or corporation owning or operating any boat engaged in the business of fishing for profit in the public waters of this state or who catch fish without the state and bring them into the state, shall on or before April first of each calendar year, file with the board of fish and game commissioners on a form to be provided by the fish and game commission, a statement giving the dimensions of the fishing boat or boats operated by said person, firm or corporation, together with the motive power, number in crew, equipment and description of fishing gear.

Right to enter premises

SEC. 6. The board of fish and game commissioners or their duly appointed agent shall have the right to board any fishing boat, or enter any place of business where fish are sold fresh, or canned, or cured, or any reduction works, or place of business where fish meal is made, and to examine any and all books

and records containing any account of fish caught, bought or sold.

Every person violating any of the provisions of this act, or who fails to permit an inspection as provided in section six of this act, or refuses to produce any books or records containing any record of fish bought or sold shall be guilty of a misdemeanor and punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or imprisoned in the county jail in the county in which the conviction shall be had, not less than fifty days, nor more than six months, or by both such fine and imprisonment. All fines and forfeitures imposed and collected under this act shall be paid into the state treasury to the credit of the fish and game preservation fund. Penalty.

CHAPTER 551.

An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The fish and game commission is hereby vested with jurisdiction to regulate and control fishing boats, barges, lighters or tenders, commercial fishermen, fish canners, packers or preservers, fish reduction plants, dealers in fish, mollusks or crustaceans or other fishery products, in so far as it may be necessary to insure the taking, catching and delivery of the fish or other fishery products in a wholesome and sanitary condition to canning, packing and preserving plants or to any fresh fish dealer, and to prevent deterioration and waste of fish or other fishery products. Any fish and game commissioner or duly appointed assistant or employee of the fish and game commission shall have the authority to enter any canning, packing, preserving or reduction plant, or place of business where fish or other fishery products are packed or preserved, bought or sold, or to board any fishing boat, barge, lighter or tender for the purpose of carrying out the provisions of this act. Jurisdiction
over fish
industries.

Establishment of grades.

SEC. 2. The fish and game commission may establish grades for different varieties of fish or other fishery products, which said grades must be reached and conformed to by the commercial fishermen who deliver fish or other fishery products to canners, packers or preservers of fish or to fresh fish dealers, or to reduction plants, and every canner, packer or preserver of fish or fish dealer or owner of reduction plant must conform to such grade.

Enforcement.

SEC. 3. The fish and game commission is hereby vested with full power, authority and jurisdiction to make and enforce such regulations as may be necessary or convenient for carrying out any power, authority or jurisdiction conferred under this act.

Disposal of waste.

SEC. 4. No person, firm or corporation engaged in the business of catching, buying, selling, canning, packing or preserving fish, shall suffer or permit, or cause any preventable deterioration, or wilfully do any act that might cause deterioration or waste of any fish caught or taken within or without the waters of this state and brought into this state, and no person, firm or corporation engaged in the business of catching, buying, selling, canning, packing or preserving fish or other fishery products shall sell or offer for sale or delivery, or deliver any fish or other fishery products, to any reduction plant or divert fish or other fishery products for reduction purposes without first having written permission from the fish and game commission, and no reduction plant shall accept or receive any fish, other than fish offal, from any person, firm or corporation without such written permission.

Canneries, etc., may not take more fish than can be handled.

SEC. 5. No person, firm or corporation engaged in the business of taking or catching fish or other fishery products shall take, catch or kill more fish or other fishery products than the boat or boats operated by said person, firm or corporation can handle without preventable deterioration, waste or spoilage, and no person preserving fish or other fishery products shall accept or receive or agree to accept or receive more fish or other fishery products than the canning, packing or preserving plant or plants of such person, firm or corporation can handle without preventable deterioration, waste or spoilage, and no person dealing in fish shall take, catch or kill, accept or receive, or agree to accept or receive, more fish or other fishery products than such person, firm or corporation is able to handle without preventable deterioration, waste or spoilage.

Complaint of violation of act.

SEC. 6. Complaint may be made by any officer charged with the enforcement of the fish and game laws, or any person having knowledge of a violation, against any person, firm or corporation violating any of the provisions of this act or violating any of the rules or regulations made by the fish and game commission under the provisions of this act. Said complaints shall be in writing, setting forth the particular offense charged to have been committed, a copy of which shall be filed with the board of fish and game commissioners and a copy served on

said offender, together with a notice setting forth the time and place of hearing, which hearing must be held in the county in which said violation is alleged to have been committed. The person, firm or corporation charged must appear and answer either in person or by attorney, and either orally or in writing, within five days after notice having been served. If the person charged fails to appear or appears and denies the charge, the board of fish and game commissioners or any deputy or employce appointed by said board of fish and game commissioners to take testimony, shall proceed to hear the testimony offered and if the person, firm or corporation so charged is found guilty of the offense charged, the board of fish and game commissioners may suspend for a period not to exceed ninety days, any license issued by any state board or officer to such person, firm or corporation, to take, catch, kill, buy, sell, can or preserve fish or fishery products, and no license shall be issued during such period of suspension.

Hearing.

Each member of the board of fish and game commissioners or any of the deputies or employces designated to take testimony at the hearing provided herein shall have power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearing.

The superior court in and for the county, or city and county in which any proceeding may be held under the authority of this section, shall have power to compel the attendance of witnesses, the giving of testimony, and the production of papers, as required by any subpoena issued under authority of this section. The fish and game commission, or representative of the commission before whom the testimony is to be given or produced may in the case of refusal of any witness to attend or testify or produce any papers required by such subpoena, report to the superior court in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of the attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this act and that the witness has failed and refused to attend or produce the papers required by the subpoena before the commission or its representatives, in the case or proceeding named in the notice of time and place of hearing and subpoena, or has refused to answer questions propounded to him in the course of said proceeding, and ask an order of said court to compel the witness to attend and testify or produce said papers before the commission or its representatives.

Superior court may compel attendance of witnesses.

The court, upon the petition of the commission or its representatives, shall enter an order directing the witness to appear before the court at any time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or its representatives. A copy of said order shall

Order directing witness to appear.

be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representatives the court shall thereupon enter an order that said witness shall appear before the commission or its representatives at the time and place entered in said order, and testify or produce the required papers, and upon failure to obey said witness shall be dealt with as for contempt of court.

Taking of
deposition
of witnesses.

The commission or its representatives, or any party designated by the fish and game commission, may in any investigation or hearing before the commission, or its representatives, cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of documents and papers.

CHAPTER 552.

An act to amend section seven hundred fifty-nine of the Political Code, relating to the appointment of phonographic reporters for the district courts of appeal, and prescribing the duties and compensation of such reporters.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred fifty-nine of the Political Code is hereby amended to read as follows:

Phonographic
reporters
in district
courts of
appeal.

759. The district court of appeal of the third appellate district, and each division of the district courts of appeal of the first and second appellate districts, may employ and appoint a phonographic reporter, who shall be competent to write in shorthand at the rate of at least one hundred and fifty words per minute and to transcribe the same correctly. His duties shall be to take down in shorthand the proceedings of the court, and to act as secretary to the judges in the discharge of their official duties. His compensation shall be at the rate of two thousand four hundred dollars per annum. The official reporter shall hold office during the pleasure of the court making the appointment.

CHAPTER 553.

An act to amend an act entitled "An act to amend an act entitled 'An act relating to bonds of irrigation district, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities and providing under what circumstances the use of bonds of irrigation district as security for the performance of any act may be authorized,' approved June 13, 1913," as amended by an act approved May 17, 1917, by adding thereto a new section to be numbered section three c.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act relating to bonds of irrigation district, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school district or municipalities and providing under what circumstances the use of bonds of irrigation district as security for the performance of any act may be authorized," as amended by an act approved May 17, 1917, is hereby amended by adding thereto a new section to be known as section three c, to read as follows:

Sec. 3c. Whenever the surveys, examinations, drawings and plans of an irrigation district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with section thirty of the California irrigation district act, and in accordance with a plan or schedule adopted by resolution of the board of directors of the district, it shall not be necessary for the commission to certify at one time all of the bonds that have been voted for the said completed project; but such bonds may be certified from time to time as needed by the district. If the commission shall certify all of the bonds necessary for the said completed project, even if said project is to be constructed progressively over a period of years in accordance with the aforesaid resolution of the board of directors, the bonds so voted and certified shall only be sold after prior written approval of the commission.

Stats. 1913,
p. 778.

Certification
of irrigation
district
bonds by
commission.

CHAPTER 554.

An act to provide that the Santa Barbara State Normal School of Manual Arts and Home Economics shall hereafter be known as the Santa Barbara State Normal School, and to provide that it shall hereafter fulfill the functions of and be governed by the laws relating to the normal schools of this state.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

Name and
purpose of
Santa
Barbara
State Normal
School.

SECTION 1. The Santa Barbara State Normal School of Manual Arts and Home Economics shall be known hereafter as the Santa Barbara State Normal School, and shall perform the functions of and shall be governed by the laws of this state relating to other state normal schools. The purpose of the Santa Barbara State Normal School is the education of teachers for the public schools of the state, and it shall furnish to students of both sexes such courses of professional training and such courses in manual arts, home economics and physical education as shall fit them to teach in the public schools of the state.

CHAPTER 555.

An act to amend section two thousand five hundred fifty-two of the Political Code, relating to the salary of wharfingers.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand five hundred fifty-two of the Political Code of the State of California is hereby amended to read as follows:

Salaries
of harbor
commis-
sioners, etc.

2552. The monthly salaries of the officers of the board shall be as follows: The president, four hundred sixteen and sixty-six hundredths dollars; each of the other two commissioners, two hundred fifty dollars; the secretary, two hundred fifty dollars; the attorney, two hundred dollars; the wharfingers, not less than one hundred sixty dollars nor more than one hundred seventy-five dollars; and the collectors, one hundred twenty-five dollars. The board must fix the compensation of the other employees. Said salaries and compensation shall be paid out of the San Francisco harbor improvement fund. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses. The president shall be chief executive officer of the board and business manager of harbor affairs and shall actively superintend and supervise the conduct of the dock system and the state belt railway and all other departments of the harbor business.

CHAPTER 556.

An act to appropriate money for the purpose of co-operation in the construction of the public works included in and provided for by that certain project heretofore adopted by the reclamation board, known as Sutter Butte By-pass Project No. 6 of the Sacramento and San Joaquin drainage district, with such modifications and amendments thereof as may be hereafter made, in accordance with law, the said work described in the plans of said Sutter Butte By-pass Project No. 6, as heretofore duly modified and amended, being in conformity with the report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, 1911, and the said report of the California debris commission, together with such amendments and modifications thereof as may be made by the reclamation board, having been heretofore duly adopted by the State of California, and directing the said reclamation board to apply the said moneys so appropriated as it is now, or may hereafter be, provided by law, for the benefit of the said Sacramento and San Joaquin drainage district, in connection with said Sutter Butte By-pass Project No. 6, or any modifications or amendments thereof, that may hereafter be made in accordance with law.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. For the purpose of co-operation in the construction of the public works included in and provided for by that certain project heretofore adopted by the reclamation board, known as Sutter Butte By-pass Project No. 6 of the Sacramento and San Joaquin drainage district, with such modifications and amendments thereof as may hereafter be made, in accordance with law, the said work described in the plans of said Sutter Butte By-pass Project No. 6, as heretofore duly modified and amended, being in conformity with the report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, 1911, and the said report of the California debris commission, together with such amendments and modifications thereof as may be made by the reclamation board, having been heretofore duly adopted by the State of California, there is hereby appropriated the sum hereinafter set forth out of any moneys in the state treasury, not otherwise appropriated, to be paid to the said reclamation board, for the benefit of the said Sacramento and San Joaquin drainage district, in connection with the said Sutter Butte By-pass Project No. 6,

Appropriation for Sutter Butte By-pass Project No. 6.

or any modifications or amendments thereof that may hereafter be made, in accordance with law, the same to be applied as it is now or may hereafter be provided by law by the said reclamation board, in connection with said Sutter Butte By-pass Project No. 6 of the said Sacramento and San Joaquin drainage district.

Amount of appropriation.

SEC. 2. It is the intent and purpose of the State of California to provide a total of three million dollars for the purpose as expressed in section one of this act and there is hereby, for the said purpose, continuously appropriated therefor, out of any moneys in the state treasury not otherwise appropriated, the said sum of three million dollars to be paid as hereinafter specified.

Time and amount of warrants to be drawn.

SEC. 3. Immediately upon this act becoming a law, the controller of the State of California shall draw his warrant in favor of the reclamation board for the sum of ten thousand dollars, and the treasurer of the State of California is hereby directed to pay the same out of any moneys in the state treasury, not otherwise appropriated.

Warrants in favor of reclamation board.

SEC. 4. The controller of the State of California shall, during the seventy-second fiscal year, namely during the fiscal year commencing on the first day of July, 1921, draw his warrant in favor of the reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-third fiscal year, namely during the fiscal year commencing on the first day of July, 1922, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-fourth fiscal year, namely during the fiscal year commencing on the first day of July, 1923, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-fifth fiscal year, namely during the fiscal year commencing on the first day of July, 1924, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-sixth fiscal year, namely during the fiscal year commencing on the first day of July, 1925, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-seventh fiscal year, namely during the fiscal year commencing on the first day of July, 1926, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-eighth fiscal year, namely during the fiscal year commencing on the first day of July, 1927, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the seventy-ninth fiscal year, namely during the fiscal year commencing on the first day of July, 1928, draw his warrant in favor of said reclamation board for the sum of three hundred thousand dollars; and shall, during the eightieth fiscal year, namely during the fiscal year commencing on the first day of July, 1929, draw his warrant in favor of said reclamation

board for the sum of three hundred thousand dollars; and shall, during the eighty-first fiscal year, namely during the fiscal year commencing on the first day of July, 1930, draw his warrant in favor of said reclamation board for the sum of two hundred ninety thousand dollars. And the treasurer of the State of California is hereby directed to pay each of said warrants out of any moneys in the state treasury not otherwise appropriated. All of said sums shall be applied by the reclamation board in the manner as provided by section one of this act.

SEC. 5. There shall be collected annually in each of the fiscal years commencing on the first day of July, 1921, and ending on the thirtieth day of June, 1931, at the same time as other state revenue is collected, such a sum as may be necessary to provide the amount hereby appropriated, and all officers charged by law with any duty in regard to the collection of said revenue are hereby required and obligated to do and perform each and every act and thing which shall be necessary to collect such sum.

Collection
of fund.

CHAPTER 557.

An act appropriating money for the development of water and equipment at the Chico State Normal School.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the development of water and equipment for the water supply at the Chico State Normal School.

Appropriation: water supply at Chico State Normal School.

CHAPTER 558.

An act appropriating money for repairs to buildings and equipment at the Chico State Normal School.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs to buildings and equipment at the Chico State Normal School.

Appropriation: repairs at Chico State Normal School.

CHAPTER 559.

An act appropriating money to build a trade school unit at the Chico State Normal School.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: trade school unit at Chico State Normal School.

SECTION 1. The sum of thirty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the building of a trade school unit at the Chico State Normal School.

CHAPTER 560.

An act making an appropriation for the purpose of determining and applying control measures to combat the spread of the walnut codling moth.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: control of walnut codling moth.

SECTION 1. The sum of ten thousand dollars annually for two years or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended under the direction of the state commissioner of horticulture for the purpose of determining and applying control measures to combat the spread of the walnut codling moth, an insect pest now seriously menacing the future of the walnut industry of the state. And the said state commissioner of horticulture is hereby authorized to prescribe rules governing the movement of and treatment of any shipment of walnuts, sacks, trays or other orchard appliances into or from any premises or districts known or believed to be infested with said walnut codling moth, their larvæ, pupæ or eggs; and such rules and regulations shall be subject to enforcement in the same manner and subject to the same conditions and penalties as are provided for other acts and orders relating to the state and county commissioners of horticulture, as set forth in the Political Code; *and it is further provided*, that any treatment of walnut sacks or other containers or orchard appliances, which may be required to carry out the provisions of this act, shall be at the expense of the owner or owners, their agent or agents, or persons having charge of or possessing the same at the time of treatment.

CHAPTER 561.

An act appropriating money for the use of the state bureau of criminal identification and investigation during the seventy-first and seventy-second fiscal years to carry out the purposes of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers;' providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of thirty-seven thousand seven hundred dollars, or so much thereof as may be necessary, to be used during the seventy-first and seventy-second fiscal years by the state bureau of criminal identification and investigation in carrying out the purposes of an act entitled, "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905." approved May 31, 1917; *provided, however*, that none of the moneys herein appropriated shall be used for detective work or in the investigation of crime or criminals, the purpose of this appropriation being to provide for the classifying, recording, comparing, and preserving of criminal records, forwarded to said bureau.

Appropriation, bureau of criminal identification.

CHAPTER 562.

An act appropriating money for buildings, equipment and improvements at the Pacific Colony.

[Approved May 27, 1919. In effect—See section 2.]

The people of the State of California do enact as follows:

Appropriation:
buildings,
etc., at
Pacific
Colony.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for buildings, equipment and improvements at the Pacific Colony.

Time in
effect.

SEC. 2. This act shall not become effective, nor the sum herein appropriated become available until the state engineer shall have approved the supply of water upon the property purchased, and his findings certified regarding the same to the state board of control to the effect that the water developed upon said land shall be sufficient to supply all the needs of a population of at least one thousand five hundred persons, including irrigation of three hundred acres.

CHAPTER 563.

An act to amend section one thousand five hundred nineteen of the Political Code, relating to the powers and duties of the state board of education, and making an appropriation to aid in the execution thereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred nineteen of the Political Code is hereby amended to read as follows:

Powers of
state board
of education.

1519a. The state board of education shall have power and it shall be its duty:

Credentials
for high
school
certificates.

First—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.

Applicants
without
credentials.

Second—To consider the cases of individual applicants who have taught successfully for a period of not less than seventeen

school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section, and where the evidence submitted by the applicant does not satisfy the board it may, in its discretion, provide for his examination. The said board, in its discretion, may issue to such applicants high school credentials upon which they may be granted certificates to teach in the high schools of the state. In such special cases, the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of subdivision first of this section.

Third—To establish and prescribe by general regulations the qualifications upon which county boards of education may grant to any person a special certificate to teach any special subject or subjects in such grades as are mentioned therein; *provided*, that no qualification shall be prescribed for certification to teach in any grade whatever a vocational subject unless the candidate shall have had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

Qualifications for special certificates.

Third a—To establish and prescribe by general regulations the qualifications upon which county or city and county boards of education may grant to any person a special credential to serve as attendance officer or assistant attendance officer.

Credentials for attendance officers.

Fourth—To consider the cases of individual applicants who are not possessed of the qualifications prescribed in subdivision third of this section, or in the general regulations of the state board of education, and where the evidence submitted by any applicant who meets the academic requirements of the board does not satisfy the board of his knowledge of the special subject and methods of teaching the same, it may, in its discretion, provide such examination as it may deem expedient and wise. When the state board of education is satisfied that any applicant possesses qualifications equivalent to those so specified, it may issue to such applicant a state board credential upon which county boards of education may grant to him a special certificate to teach such special subject or subjects as are listed in said credential in such grades and for such length of time as therein specified.

Applicants without above qualifications.

Fourth a—To consider the cases of individual applicants, who are not possessed of the credentials accredited by the board for kindergarten certification. When the state board of education is satisfied that any applicant possesses qualifications equivalent to those represented by credentials so accredited, it may issue to such applicant a state board credential upon which county boards of education may grant a certificate to teach in the kindergartens of the county and in such other grades as the legislature may prescribe by general law; *provided*, the standard for such special credential shall not be

Applicants without credentials for kindergarten certification.

lower than that represented by credentials accredited by the board.

Applicants
or
elementary
school
credentials.

Fourth b—To consider the case of any applicant for an elementary school credential, who is a graduate of a normal school or college, or who holds a life diploma or life certificate of another state. When the state board of education is satisfied that any such applicant possesses the qualifications which fit him for elementary school teaching as well as does graduation from a California state normal school, it may issue to such applicant a state board credential upon which any county board of education may grant to him an elementary school certificate.

Life
diplomas.

Fifth—To grant life diplomas for four grades, valid throughout the state, as follows:

(1) High school, authorizing the holder to teach in any primary or grammar or high school.

(2) Elementary school, authorizing the holder to teach in any elementary school.

(3) Kindergarten-primary, authorizing the holder to teach in the kindergarten class of any primary school.

(4) Special, authorizing the holder to teach in any school such special branches and in such grades as are named in such diploma.

Qualifica-
tions for life
diplomas.

Sixth—To issue, except as provided in sections one thousand five hundred three and one thousand seven hundred seventy-five of this code, life diplomas only to such persons as have held for one year, and still hold, a valid county, or city and county, certificate, corresponding in grade to the grade of diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least forty-eight months. Not less than twenty-one months of said experience shall have been in the public schools of California. Every application must be accompanied to the state board of education by a certified copy of a resolution adopted by at least a three-fourths vote of all the members composing a county, or city and county, board of education, recommending that the diploma be granted, and also by an affidavit of the applicant, specifically setting forth the places in which, and the dates between which, said applicant has taught. The application for any credentials or document mentioned in this chapter must be accompanied by a fee of two dollars, and in addition thereto each applicant permitted to take an examination shall, before he is so permitted, pay a fee of ten dollars. Each applicant for a life diploma shall pay a fee of three dollars, the same to cover the cost of the credential and accompanying portfolio. All of the above fees must be paid into the state treasury to the credit of the contingent fund of the state board of education and applied by said board in defraying or in partially defraying the expense of investigating the qualifications of candidates, issuing credentials, documents or diplomas, and providing for the employment of professional

Fee.

experts to conduct examinations for special credentials and high school credentials, as specified in subdivisions second and fourth of this section.

Seventh—To revoke or suspend for immoral or unprofessional conduct, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections one thousand five hundred three and one thousand seven hundred seventy-five of this code, or credentials issued in accordance with the provisions of this section; and to adopt such rules for said revocation as they may deem expedient or necessary. Revocation or suspension of life diplomas.

Eighth—The state board of education is hereby authorized to create a commission of credentials, to consist of the superintendent of public instruction, the commissioner of elementary schools, the commissioner of secondary schools and the commissioner of industrial and vocational education. This commission, when directed by the board, shall have authority to review the cases of applicants for any of the credentials specified in subdivisions second, third *a*, fourth, fourth *a* and fourth *b* of this section, and when said commission is satisfied that any candidate fully meets the standard maintained by the state board it may issue the proper credentials; *provided*, that said credentials to be valid must be issued upon the regular form used by the state board of education and must be signed by the secretary and president of said state board. The state board of education is further authorized to assign to the commission of credentials such duties relating to life diplomas, certificates, certification, and the accrediting of institutions for purposes of certification, as it may see fit. Commission of credentials.

Ninth—The state board of education shall have power and it shall be its duty to provide for the organization and supervision of courses in physical education in the public schools of this state in accordance with "An act to provide for the organization and supervision of courses in physical education in the elementary, secondary and normal schools of the state and appropriating ten thousand dollars therefor," approved May 26, 1917. The sum of thirty thousand dollars is hereby appropriated out of any moneys belonging to the state not otherwise appropriated for the use of the state board of education during the seventy-first and seventy-second fiscal years in carrying out the provisions of this paragraph. Provision for physical education. Appropriation.

CHAPTER 564.

An act appropriating money for improvements and equipment at the Los Angeles State Normal School.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: improvements at Los Angeles State Normal School.

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements and equipment at the Los Angeles State Normal School.

CHAPTER 565.

An act appropriating money for the construction and equipment of quarters for the employees at the Napa State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: quarters for employees at Napa State Hospital.

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and equipment of quarters for the employees at the Napa State Hospital.

CHAPTER 566.

An act making an appropriation to pay the claim of Pearson and Summers against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: claim of Pearson and Summers.

SECTION 1. The sum of two thousand eight hundred fifty-two dollars and one cent is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Pearson and Summers against the State of California.

CHAPTER 567.

An act making an appropriation to pay the claim of Nathaniel Ellery against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand five hundred forty-one dollars and fifty-three cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Nathaniel Ellery against the State of California.

Appropriation: claim of Nathaniel Ellery.

CHAPTER 568.

An act appropriating money to construct and furnish cottages and living quarters for employees at Agnews State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and furnishing of cottages and living quarters for employees at the Agnews State Hospital.

Appropriation: quarters for employees at Agnews State Hospital.

CHAPTER 569.

An act appropriating money for the improvement and betterment of grounds at the California School for Girls.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the improvement and betterment of grounds at the California School for Girls.

Appropriation: improvement of grounds at California School for Girls.

CHAPTER 570.

An act appropriating money to be used under certain specified conditions by federal authorities in deepening Suisun bay channel from Martinez to Antioch, California.

[Approved May 27, 1919. In effect—See section 2.]

The people of the State of California do enact as follows:

Appropriation:
deepening
of Suisun
bay channel.

SECTION 1. The sum of sixty-four thousand five hundred dollars is hereby appropriated out of any money in the treasury of this state not otherwise appropriated to be applied toward the deepening of Suisun bay channel, California, from Martinez, California, to Antioch, California, in accordance with the plans set forth in the report printed in document No. 986 of the United States house of representatives, sixty-fifth congress, second session, and subject to the conditions specified in said report.

Conditions
of appro-
priation.

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 the sum of sixty-four thousand five hundred dollars shall have been appropriated, or authorized to be appropriated, by the congress of the United States for such work.

Time of
payment of
appropriation.

SEC. 3. The amount hereby appropriated shall be paid to the treasurer of the United States whenever the sum of sixty-four thousand five hundred dollars shall have been appropriated, or authorized to be appropriated, by the congress of the United States and the chief of engineers of the United States army, or his duly authorized agent, shall have notified in writing the controller of the State of California that the conditions specified in said document No. 986 of the United States house of representatives, other than the payment of the money herein appropriated, have been complied with; *provided*, that the whole of such amount 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 army.

Warrant
in favor
of U. S.
treasurer.

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 571.

An act appropriating money for investigation, research and demonstration by the department of agriculture of the University of California, in regard to deciduous fruits and nuts including olives and figs.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for investigation, research and demonstration by the department of agriculture of the University of California, during the biennial period ending June 30, 1921, in regard to deciduous fruits and nuts, including olives and figs, and to be expended for that purpose by the regents of the University of California.

Appropriation:
University
of California
department
of agri-
culture.

CHAPTER 572.

An act appropriating money for repairs to buildings and equipment on the property of the state agricultural society at Sacramento.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs to buildings and equipment on the property of the state agricultural society at Sacramento.

Appropriation:
repairs
on property
of state
agricultural
society.

CHAPTER 573.

An act to promote the development of the California fruit and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits and vegetables specified therein, and to prevent deception in fruit packages, prescribing penalties for violation of the

provisions hercof and making an appropriation for the enforcement of all provisions hereof, and repealing all acts inconsistent herewith.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Standard
packages for
fruits, etc.,
established.

SECTION 1. To promote the development of the California fresh fruit, nut and vegetable industry and to prevent deception in fruit or vegetable packages for state or interstate shipment, there are hereby created and established certain standards and standard packages for apricots, almonds, walnuts, berries, cantaloupes, cherries, grapes, oranges, peaches, pears, plums, prunes, quinces, tomatoes, onions, sweet potatoes and potatoes.

SEC. 2. All fresh fruits, nuts and vegetables of the kind specified in section one of this act, except oranges which shall be governed by the provisions of section nine, and except such fruits and vegetables for which special grades shall be established under section three of this act, when being packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold, in any container or subcontainer, shall be mature but not overripe, well colored for the variety and locality, virtually uniform in quality, virtually free from insect and fungous pests, rots, bruises, frost injury, sunburn and other serious defects, and, except in the case of unpacked fruit or vegetables, shall be virtually uniform in size. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. In the case of sloping side containers no layer below the top layer shall contain a greater numerical count than the top layer.

Enforcement
by commis-
sioner of
Horticulture.

SEC. 3. The state commissioner of horticulture is hereby empowered, through his deputies and the inspectors of fresh fruit and vegetables of each county in the state, to enforce all the provisions of this act, and to establish and enforce such grades and grading rules as may be deemed necessary after a thorough investigation has been made of the needs of the particular fruit or vegetable for which grades are contemplated. Such grades and grading rules must, before they become effective, be approved in one or more public meetings attended or represented by at least fifty per cent of the growers and shippers of that locality interested in the industry affected. Such meetings shall be widely advertised in a newspaper published in that locality for at least two weeks prior to the meetings; said meetings shall be presided over by the state commissioner of horticulture, or any of his deputies, and shall, in so far as possible and practicable, be conducted at places that can be conveniently reached by representatives of the affected industry. In like manner the state commissioner of horticulture may provide for standard packages other than

those provided for in section six of this act. Grades and grading rules established in accordance with the provisions of this section shall not be modified, nor shall standard packages which have been established be changed during the current shipping season of the fruits or vegetables for which such grades or standard packages were established.

SEC. 4. All fresh fruits or vegetables of the kind specified in this act for use in the manufacture of by-products, shall be exempt from the provisions of this act, and any inspector or deputy inspector of fresh fruits and vegetables may require from the owner or shipper of such fruits or vegetables such proof as he may deem necessary that they will be used in the manufacture of by-products, and shall hold same until satisfactory proof is given. Exemptions.

SEC. 5. When used in this act the words herein mentioned shall be defined as follows: "Packages" shall mean any box, basket, barrel, drum, or crate used as a container or subcontainer for fruits or vegetables. "Pack, packing or packed," shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer used for the purpose of sale or transportation for sale. "Deceptive pack" shall mean any package of fruits or vegetables, which has in the outer layer or the exposed surface fruit or vegetables which are so superior in quality or condition to those in the interior of the package, or the unexposed portion, as to materially misrepresent the entire contents. "Fresh fruit (except oranges) or fresh vegetables" shall mean the fresh product of any tree, vine or plant mentioned in this act. "Mature" shall mean a degree of ripeness fit for shipment. "Virtually uniform in size" shall mean in the case of packed fruits a difference in size of the various fruits as follows: pears, peaches and quinces, a variation of not more than one-quarter of an inch when measured through widest portion of cross section; apricots, plums, prunes, cherries and berries, a variation of not more than one-eighth of an inch when measured through widest portion of cross section. "Virtually free" from insect and fungous pests, rots, bruises, frost injury, sunburn and other serious defects, shall mean that the total defects shall not exceed ten per cent in any one package of fruits or vegetables, and excepting grapes that there shall not be more than three per cent of any one defect. "By-product" shall mean any product manufactured from fresh fruits, fresh vegetables, or their juices. "County" shall include in its meaning a consolidated city and county. "Container" shall mean any box, crate or other package utilized in handling fresh fruit or vegetables. "Subcontainer" shall mean any basket or other receptacle used within a container. "Substantially colored" shall mean at least seventy per cent color. Definitions.

Specifica-
tions for
standard
containers.

SEC. 6. Standard containers are hereby established as follows:

(1) Standard apricot, plum and grape basket, approximately eight inches square on top, six and one-half inches on bottom and four inches deep, inside measurements.

(2) Standard berry baskets, dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches and dry one-half pint containing interior capacity of approximately sixteen and eight-tenths cubic inches.

(3)	Depth inside	Width inside	Length outside
Standard pear box-----	8 $\frac{1}{2}$ "	11 $\frac{1}{2}$ "	19 $\frac{1}{4}$ "
Half pear box-----	4 $\frac{1}{2}$ "	11 $\frac{1}{2}$ "	19 $\frac{1}{4}$ "
Standard peach box-----	4 $\frac{1}{4}$ "	11 $\frac{1}{2}$ "	19 $\frac{3}{4}$ "
Standard peach box-----	4 $\frac{1}{2}$ "	11 $\frac{1}{2}$ "	19 $\frac{3}{4}$ "
Standard peach box-----	4 $\frac{3}{4}$ "	11 $\frac{1}{2}$ "	19 $\frac{3}{4}$ "
Standard crates-----	4 $\frac{1}{4}$ "	16 "	17 $\frac{1}{2}$ "
Standard crates-----	4 $\frac{1}{2}$ "	16 "	17 $\frac{1}{2}$ "
Standard crates-----	4 $\frac{3}{4}$ "	16 "	17 $\frac{1}{2}$ "
(4) Standard grape crates-----	4 $\frac{1}{4}$ "	16 "	17 $\frac{1}{2}$ "
with heavy cleat $\frac{1}{16}$ " by $\frac{1}{16}$ "			
(5) Standard grape drum-----	14 "	15 $\frac{1}{2}$ "	----
containing 2923 cubic inches			
(6) Standard grape keg-----	----	----	----
containing 2923 cubic inches			
(7) Standard lug box-----	5 $\frac{3}{4}$ "	14 "	17 $\frac{1}{2}$ "
(8) Standard cherry lug-----	4 $\frac{1}{2}$ "	11 $\frac{1}{2}$ "	19 $\frac{3}{4}$ "
(8 $\frac{1}{2}$) Standard cherry lug-----	4 $\frac{1}{2}$ "	9 "	19 $\frac{3}{4}$ "
(9) Standard cherry box-----	2 $\frac{1}{4}$ "	9 "	19 $\frac{3}{4}$ "

(10) Standard cantaloupe crates, twelve inches by twelve inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four inches by twelve inches by twenty-two and one-half inches, to be packed with twelve or fifteen cantaloupes; eleven inches by eleven inches by twenty-two and one-half inches, to be packed with forty-five or fifty-four cantaloupes; thirteen inches by thirteen inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four and one-half by thirteen and one-half by twenty-two and one-half inches, containing twelve or fifteen cantaloupes.

Labels
for fruit
containers.

SEC. 7. All containers of fruit of a kind specified in this act, except subcontainers, when packed and offered for sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard where the same was produced, with the post-office address thereof, or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of the same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; name of variety if known,

and when not known the "unknown variety"; minimum net weight or approximate number of fruits in the container or subcontainer, which number shall be within four of the true count, and no container or subcontainer shall have less than the minimum stamped thereon. When two or more varieties are packed or placed in a container, they shall be labeled "mixed varieties"; *provided*, that pears and peaches, when packed, shall have the correct number within four placed on the container.

Standard or other containers when used as subcontainers are exempt from the provisions regarding marking, when the container in which they are placed is marked in compliance with the terms of this section. No containers or subcontainers of fresh fruits or vegetables shall bear grade or other designations that are in any way false or misleading.

Sub-containers exempt.

SEC. 8. After January 1, 1920, all fresh fruits of the kinds specified in this act, except such as shall be used in the manufacture of by-products, when prepared or offered for sale or sold, shall be packed or placed in standard containers, which are hereby established, and shall conform to all provisions of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-quarter inch high, "irregular container."

Standard containers.

"Irregular container."

SEC. 9. In addition to the standards prescribed in section two of this act, table grapes shall show a sugar content of not less than seventeen per cent Balling scale, except Emperor, Gros Coleman and Cornichon, which shall show not less than sixteen per cent Balling scale. Oranges shall be deemed properly matured for shipment or sale under the provisions of this act when the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the oranges have attained at least twenty-five per cent yellow or orange color before picking, and oranges which are substantially or at least seventy per cent colored at the time of picking shall be deemed properly matured for shipment or sale, irrespective of analysis of the juice. When packed, shipped, delivered for shipment, offered for sale or sold; oranges shall be virtually free from insect and fungous diseases and other serious defects. Oranges shall be considered unfit for shipment when frosted to the extent of endangering the reputation of the citrus industry, if shipped. The foregoing provisions shall not apply to shipments of oranges to foreign countries other than the dominion of Canada, during any season, provided such shipments are made after the first day of November.

Standard for table grapes.

Standard for oranges.

SEC. 10. The office of "inspector of fresh fruit and vegetables" is hereby created for each and every county in the state. The horticultural commissioner of each county, and all deputy horticultural commissioners shall be ex officio inspectors of fresh fruits and vegetables thereof, and the inspectors under each county horticultural commissioner are

Inspectors of fresh fruit and vegetables.

Inspectors
of fresh
fruit and
vegetables.

ex officio "deputy inspectors of fresh fruits and vegetables" in their respective counties. The county horticultural commissioner shall appoint as many deputy "inspectors of fresh fruits" as are necessary to carry out the provisions of this act. Their term of office shall be for such time as deemed necessary by said board of supervisors. The offices of "inspectors in chief of fresh fruits and vegetables" are hereby created, and the state commissioner of horticulture and his chief deputy, for the purposes of this act, are hereby made ex officio such inspectors in chief. It shall be the duty of the "ex officio inspectors in chief of fresh fruits and vegetables" to secure strict and uniform enforcement of the provisions of this act throughout the state, and for that purpose, immediately after this act becomes a law, the state commissioner of horticulture shall appoint two state inspectors of fresh fruits and vegetables, each of whom shall receive a salary of two thousand four hundred dollars per annum and necessary traveling expenses when engaged in the duties of enforcing this act.

Appointed by
supervisors.

SEC. 11. If in any county, or city and county, of this state there is no commissioner of horticulture, it shall be the duty of the board of supervisors thereof to appoint an inspector of fresh fruits and vegetables and such deputy inspectors of fresh fruits and vegetables as shall be deemed necessary. Such inspectors and deputy inspectors of fresh fruits and vegetables shall be appointed to serve for such time during each year as fresh fruits and vegetables are being packed or shipped in said county, or city and county. Inspectors of fresh fruits and vegetables thus appointed shall receive six dollars per day and necessary traveling expenses. The salary of a deputy inspector of fresh fruits and vegetables shall be five dollars per day and necessary traveling expenses. In case the board of supervisors of any county, or city and county, shall fail or neglect, for thirty days after receipt of a written request from the state commissioner of horticulture, to appoint an inspector of fresh fruits and vegetables, or necessary deputy inspectors of fresh fruits and vegetables for such county, or city and county, then the said state commissioner of horticulture shall forthwith assign to said county, or city and county, one or more deputy state commissioners of horticulture, as he shall deem necessary, and such deputy or deputies shall perform all of the duties within the said county, or city and county, to which assigned, as are provided in this act to be performed by an inspector of fresh fruits and vegetables. The actual cost of services rendered by an inspector or deputy inspector, as the case may be, of fresh fruits and vegetables, assigned to any county in pursuance hereof, together with his necessary traveling expenses, shall be a county charge and shall be paid in the same manner in which other claims against the county are paid.

Compensa-
tion.

Powers and
duties of
inspector.

SEC. 12. Every inspector of fresh fruits and vegetables and every deputy inspector of fresh fruits and vegetables shall have power to enter and to inspect every place within the

county for which he has been appointed where any fruit or vegetables mentioned in this act are produced, stored, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such fruits and vegetables and the containers thereof and the equipment found in any such places. It shall be the duty of the inspectors or deputy inspectors of fresh fruit or vegetables in their respective districts to enforce the provisions of this act and to cause the prosecution of any person, firm, corporation or organization, whom they know or have reason to believe to be guilty of the violation of any of its provisions. Any inspector or deputy inspector of fresh fruits and vegetables in the performance of his duties shall have the same powers possessed by peace officers of the city, county, or state, and shall have the right while exercising such police powers to seize and hold as evidence part or all of any pack, load, consignment or shipment of fresh fruits or vegetables packed in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act. He may start proceedings in any court of the county, or city and county, within his jurisdiction to secure the conviction of the party or parties who have violated any of the provisions of the act. It shall be the duty of the district attorney of said county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation and also, at the request of the state commissioner of horticulture, or any one of his deputies, to institute and prosecute such action for condemnation as may be authorized under the provisions of this act.

Powers and duties of inspector.

SEC. 13. It shall be lawful for any fresh fruit or vegetables forwarding person, firm, corporation or organization and for any common carrier to decline to ship or transport any fresh fruits or vegetables which upon inspection are found to be packed in violation of the provisions of this act, and any such fruit or vegetables forwarder or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or hold at the expense and risk of the latter all fresh fruits or vegetables which upon inspection are found to be packed in violation of the provisions of this act.

Ref. reqd to ship.

SEC. 14. It shall be unlawful for any person, firm, company, organization or corporation, to pack or cause to be packed for sale or shipment, import, sell, offer for sale, or deliver for shipment any of the fresh fruits or vegetables specified in this act that do not conform to the standards herein provided. It shall also be unlawful to prepare, sell or offer for sale, a deceptive pack of fresh fruits, fresh vegetables or dried fruits or dried vegetables or to mislabel any package of any such fruits or vegetables. Any person, firm, corporation, company or organization who shall violate any of the

Penalty for violation.

provisions of this act shall be deemed to be guilty of a misdemeanor.

Repealed.

SEC. 15. All laws in conflict with this act are hereby repealed.

Constitutionality.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Appropriation.

SEC. 17. The sum of seven thousand five hundred dollars per annum is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in the enforcement of the provisions of this act.

CHAPTER 574.

An act making an appropriation for the maintenance of the system of farm advisers.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: farm advisers.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of one hundred sixty-six thousand nine hundred twenty-four dollars to be expended by the regents of the University of California in the maintenance of the system of farm advisers in co-operation with the department of agriculture of the United States.

CHAPTER 575.

An act reappropriating money for the purchase of additional lands adjoining Agricultural park in the city of Sacramento.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: purchase of lands adjoining Agricultural Park.

SECTION 1. The sum of one thousand three hundred and forty-nine one-hundredths dollars is hereby reappropriated out of any money in the state treasury not otherwise appropriated, for the purchase of additional lands adjoining Agricultural park in the city of Sacramento, said amount being the unexpended balance of the appropriation made by an act entitled "An act making an appropriation for the purchase of additional lands adjoining Agricultural park in the city of Sacramento," approved June 1, 1917.

CHAPTER 576.

An act appropriating money for the support and payment of all salaries of the state market commission during the seventy-first and seventy-second fiscal years.

[Approved May 27, 1919. In effect July 1, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the support and payment of all salaries of the state market commission during the seventy-first and seventy-second fiscal years. Appropriation: support of state market commission.

SEC. 2. This act, inasmuch as it provides for the usual and current expenses of the state, shall take effect July 1, 1919.

CHAPTER 577.

An act to provide for the certification of potato seed, authorizing the state commissioner of horticulture to employ a potato inspector and to fix his salary, declaring the violation of the provisions hereof to be a misdemeanor and making an appropriation to carry out the purposes hereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The state commissioner of horticulture is hereby empowered to promote and protect the potato industry of California, and to establish and enforce such rules and regulations as may be deemed necessary for the examination and certification of potatoes grown within the State of California, for the purpose of producing improved varieties or a higher quality of seed. He shall issue to each grower a certificate showing the variety, quality and freedom from insect pests and diseases of the seed crop examined, and each certificate shall show the amount of seed which can be sold thereunder. All such certified potato seed shall be labeled with copies of the certificate, such additional copies to be furnished by the state commissioner of horticulture. The state commissioner of horticulture shall fix a reasonable charge to cover the cost of such inspection and certification, and shall publish a list of the growers of all such seeds. All money collected under this section shall be paid into the state treasury for use in the enforcement of this act. Certification of potato seed.

SEC. 2. Upon the passage of this act the state commissioner of horticulture shall employ a "potato inspector," who shall have an intimate knowledge of the potato industry, who shall Potato inspector.

be an expert on varieties, and who shall be qualified to carry on potato investigations and inspections for the purpose of certification of seed. The salary of the "potato inspector" shall be fixed by the state commissioner of horticulture, and he shall be paid the expenses incurred by him while traveling in the performance of his duties.

Penalty.

SEC. 3. Any person, company, firm, or corporation, who wilfully misbrands, adulterates, or otherwise misrepresents or interferes with the grade or quality of certified seed, or who in any way changes the certificates issued by the state commissioner of horticulture, shall be guilty of a misdemeanor.

Appropriation.

SEC. 4. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of ten thousand dollars to be used during the seventy-first and seventy-second fiscal years in carrying out the purposes of this act.

Repealed.

SEC. 5. All acts, or parts of acts in conflict herewith are hereby repealed.

CHAPTER 578.

An act to amend section one thousand one hundred thirty-three of the Political Code, relating to elections and election precincts.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand one hundred thirty-three of the Political Code is hereby amended to read as follows:

Precincts for municipal elections.

1133. The board or governing body charged with the conduct of carrying on any of the elections mentioned in section one thousand forty-four of this code may precinct, or subdivide, the municipality or territory within which such election is to be held, into special election or consolidated election precincts, for the holding of such elections, and change and alter such precincts for such elections, as often as occasion may require. In establishing such election precincts referred to in this section, such board or governing body having control of such elections may consolidate the precincts to a number not exceeding six for each special election or consolidated election precinct, and shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated.

CHAPTER 579.

An act authorizing the state veterinarian to employ throughout the seventy-first and seventy-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The state veterinarian of the State of California is hereby authorized to temporarily employ such inspectors, from time to time, throughout the seventy-first and seventy-second fiscal years, as he may deem necessary for the purpose of inspecting and supervising the dipping of sheep exposed to and infected with the disease known as scabies. The said state veterinarian shall fix the compensation of such inspectors which compensation shall not exceed the sum of five 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.

Inspectors
of dipping
of sheep.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of nine thousand dollars, or so much thereof as may be necessary, to be used according to law in paying the wages and necessary actual expenses of the inspectors herein provided for, four thousand five hundred dollars of which shall be available during the seventy-first fiscal year, and four thousand five hundred dollars of which shall be available during the seventy-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.

CHAPTER 580.

An act to establish a university farm in Riverside county and making an appropriation to carry out the purposes hereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the regents of the University of California toward the purchase of land and

Appropriation: establishment of university farm in Riverside county.

water rights for a university farm to be located within Riverside county, State of California, and to consist of not less than three hundred acres of tillable land, with due consideration for the purposes for which it is to be used. The land purchased must be susceptible to irrigation from some adequate water supply of reasonable cost for maintenance and distribution. The said regents may receive gifts of water or water rights, or equipment, or any easements or appurtenances to any such university farm which they may select. The purpose of this act is to authorize the regents to enter into a contract of sale for said land, final payments to be made by later appropriations of the legislature.

Payment
of claims.

SEC. 2. The state controller is directed to draw his warrant at such times and in such amounts, not exceeding in the aggregate the amount hereby appropriated, as the regents of the state university shall present claims for and the state treasurer is directed to pay the same.

Under
control
of regents.

SEC. 3. Upon completion of payments the said university farm shall be purchased in the name of the regents of the University of California and shall be under their control and direction in connection with and as a part of the college of agriculture of the University of California; provision being made by the said regents for such attendance on the farm of the college students as may be deemed best and necessary to the completion of their college courses. The university farm and the instruction given thereon shall be conducted to meet the needs of persons who desire practical instruction and experience in general agriculture, horticulture, viticulture, animal industry, dairying and irrigation; and to prepare them for the pursuit thereof; and shall also be used for experimental and investigational work in connection with the agricultural experiment station of the University of California. Short courses of instruction shall also be arranged in each of the leading branches of agricultural industry, so regulated as to provide for popular attendance and general instruction in agricultural practice; and all work so undertaken shall be of the most practical kind.

Courses of
instruction.

Buildings
and
equipment.

SEC. 4. From time to time the regents shall proceed to construct on this farm such reasonable buildings and other structures as are necessary to good and efficient work, keeping away from unnecessarily expensive buildings out of harmony with reasonable and sanitary farm necessity, and they shall provide for the purpose of supplies, implements, machines, apparatus, domestic live stock, and for the planting of such trees and vines and crops as seem best and to employ the necessary labor thereof: but the labor of the students shall be at all times utilized so far as possible, to the end that the students may and shall actually do and perform the several kinds and classes of work in a practical manner that pertain to the conduct of an average farm.

CHAPTER 581.

An act to provide for the fighting of forest fires in the San Dimas canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of one thousand six hundred dollars, of which eight hundred dollars is to be expended annually during the seventy-first and seventy-second fiscal years, which moneys shall be used and expended for the purpose of preventing and extinguishing forest fires and the constructing and maintaining of fire trails and firebreaks in the San Dimas canyon in the San Gabriel mountains, California, and the canyons adjacent thereto; *provided, however,* that the money herein appropriated to be expended annually shall not become available until there shall have been deposited in the state treasury for this purpose an amount equal thereto, by the San Dimas Fruit Exchange, the county of Los Angeles, or by any individual or corporation or by any or all of them.

Appropriation:
prevention
of forest fires
in San Dimas
canyon.

SEC. 2. The moneys provided under the provisions of section one hereof shall be expended under the direction of the state forester.

CHAPTER 582.

An act to provide for the fighting of forest fires in the San Gabriel canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated, there is hereby appropriated the sum of three thousand dollars, of which one thousand five hundred dollars is to be expended annually during the seventy-first and seventy-second fiscal years, which moneys shall be used and expended for the purpose of preventing and extinguishing forest fires, and constructing and maintaining of fire trails and firebreaks in the San Gabriel canyon in the San Gabriel mountains, California, and the mountains adjacent thereto; *provided, however,* that the money herein appropriated to be expended annually shall not become available until there shall have been deposited in the state treasury for this purpose an

Appropriation:
prevention
of forest fires
in San
Gabriel
canyon.

amount equal thereto by the Azusa Irrigation Company, the Covina Irrigation Company, the county of Los Angeles or by any individual or corporation, or by any or all of them.

SEC. 2. The moneys provided under the provisions of section one hereof shall be expended under the direction of the state forester.

CHAPTER 583.

An act to provide for the establishment and maintenance of a bureau of child hygiene under the direction of the state board of health, prescribing its powers and duties and making an appropriation to carry out the provisions hereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Bureau of
child hygiene
established.

SECTION 1. The state board of health shall maintain a bureau of child hygiene which in addition to the duties and powers hereinafter prescribed shall have charge of such matters and shall have such powers as may, from time to time, be referred to and delegated to it by the state board of health. Said board shall appoint a director of said bureau who shall be a duly licensed and practicing physician of any system of therapeutics and whose salary shall be fixed by the state board of health. The state board of health may also employ and fix the compensation of other additional professional and clerical assistants and such compensation shall be paid from the funds provided for the maintenance of the bureau of child hygiene.

Powers and
duties
of bureau.

SEC. 2. This bureau shall have the power under the direction and supervision of the state board of health to investigate conditions affecting the health of the children of this state and to disseminate educational information relating thereto; *provided, however*, that nothing in this act shall be construed as giving the said bureau of child hygiene the power to force compulsory medical or physical examination of children. It shall be the duty of said bureau, upon request, to advise all public officers, organizations and agencies interested in the health and welfare of children within the State of California.

Appropriation.

SEC. 3. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be expended in accordance with law for the purpose of carrying out the provisions of this act. All claims against this appropriation shall be audited by the state board of health and by the board of control, and shall be paid by the state treasurer upon warrants drawn by the state controller.

CHAPTER 584.

An act appropriating money for the completion of a cottage unit at the California School for Girls.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the completion of a cottage unit at the California School for Girls.

Appropriation: cottage unit at California School for Girls.

CHAPTER 585.

An act appropriating money to purchase and install a steel water tower, tank and connections at the Norwalk State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to purchase and install a steel water tower, tank and connections at the Norwalk State Hospital.

Appropriation: water supply at Norwalk State Hospital.

CHAPTER 586.

An act appropriating money for improvements on the farm at the Norwalk State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements on the farm at the Norwalk State Hospital.

Appropriation: improvements at Norwalk State Hospital.

CHAPTER 587.

An act appropriating money for the construction and furnishing of two cottages for patients at the Norwalk State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: cottages at Norwalk State Hospital.

SECTION 1. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and furnishing of two cottages for patients at the Norwalk State Hospital.

CHAPTER 588.

An act appropriating money to construct and equip a building for officers' quarters and dining room at the Norwalk State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: officers' quarters at Norwalk State Hospital.

SECTION 1. The sum of forty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and equipment of a building for officers' quarters and dining room at the Norwalk State Hospital.

CHAPTER 589.

An act making an appropriation to pay the claim of James P. Donahue against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: claim of James P. Donahue.

SECTION 1. The sum of nine thousand seven hundred eighty-one dollars and fifty-one cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of James P. Donahue against the State of California.

CHAPTER 590.

An act appropriating money for repairs, improvements, furnishings and equipment at the Whittier State School.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-eight thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements, furnishings and equipment at the Whittier State School.

Appropriation: repairs at Whittier State School.

CHAPTER 591.

An act appropriating money for the improvement of the grounds of the state agricultural society at Sacramento.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the improvement of the grounds of the state agricultural society at Sacramento.

Appropriation: improvements at grounds of state agricultural society.

CHAPTER 592.

An act appropriating money for the support of the state board of health in continuing the work on social hygiene during the seventy-first and seventy-second fiscal years.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty-one thousand six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the support of the state board of health in continuing the work on social hygiene during the seventy-first and seventy-second fiscal years: *provided*, that this appropriation shall be contingent upon the appropriation for this work by the government of the United States of the sum of twenty-five thousand

Appropriation: state board of health for social hygiene work.

eight hundred dollars during each of the said seventy-first and seventy-second fiscal years; *provided, further, however*, that nothing in this act shall be construed to prevent the use of this appropriation at any time to an amount equal to any amount or amounts appropriated by the United States government for this work, during the said seventy-first or seventy-second fiscal years.

CHAPTER 593.

An act making an appropriation for the prevention and extinguishment of fires in Tamalpais forest fire district.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation:
prevention of
forest fires in
Tamalpais
forest fire
district.

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated annually the sum of two thousand five hundred dollars during the seventy-first and seventy-second fiscal years which money shall be used and expended for the purposes of preventing forest fires and the construction and maintenance of fire trails and firebreaks in the Tamalpais forest fire district in Marin county, California. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the Tamalpais forest fire district, a public corporation of the State of California, for the purpose of protecting the area embraced in the Tamalpais forest fire district from devastation by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said Tamalpais forest fire district; *provided, further*, that in the event the said Tamalpais forest fire district does not contribute an amount equal to the appropriation hereby made during the fiscal years herein above specified, the state board of control shall not have power to enter into such contract or contracts with the Tamalpais forest fire district for such expenditure of said money.

CHAPTER 594.

An act to authorize the justices of the district court of appeal for the second appellate district to provide proper rooms for the accommodation of the court and its officers and library, and declaring the expenses thereof to be an annual charge against the general fund in the state treasury.

[Approved May 25, 1919. In effect July 25, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The justices of the district court of appeal for the second appellate district are hereby authorized to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and the presiding justices of the two divisions of said district court of appeal are hereby authorized to enter into any contract or lease with reference thereto, approved by at least two justices of each division of said court; and the expenses thereof, certified to be correct by at least two justices of each division of said court, shall be paid out of the state treasury; and for such expenses a sufficient sum, shall be annually appropriated out of any funds in the state treasury not otherwise appropriated.

Rooms and accommodations for second district court of appeal.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealed.

CHAPTER 595.

An act to amend section one thousand three hundred of the Civil Code, relating to the effect of the marriage of a woman on her will, and to add a new section to said code to be numbered one thousand three hundred a, relating to the revocation by marriage and birth of issue.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand three hundred of the Civil Code is hereby amended to read as follows:

1300. If, after making a will, the testatrix marries, and the husband survives the testatrix, the will is revoked, unless provision has been made for him by marriage contract, or unless he is provided for in the will, or in such way mentioned therein as to show an intention not to make such provision; and no other evidence to rebut the presumption of revocation can be received.

Effect of marriage of woman on her will.

SEC. 2. A new section is hereby added to the Civil Code to be numbered one thousand three hundred *a*, and to read as follows:

Revocation
by marriage
and birth
of issue.

1300*a*. If, after making a will, the testatrix marries, and has issue of said marriage, born either in her life time or after her death, and the husband or issue survives her, the will is revoked, unless provision has been made for such issue by some settlement, or unless such issue are provided for in the will, or in such way mentioned therein as to show an intention not to make such provision; and no other evidence to rebut the presumption of such revocation can be received.

CHAPTER 596.

An act to amend section seven hundred thirty-nine of the Political Code, relating to the salaries of officers connected with the supreme court.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred thirty-nine of the Political Code is hereby amended to read as follows:

Salaries of
officers of
supreme
court.

739. The annual salaries of the officers connected with the supreme court are as follows: The reporter of the decisions of the supreme court and of the district courts of appeal, two thousand five hundred dollars; the assistant reporters of the decisions of the supreme court and of the district courts of appeal, not exceeding three in number, one at two thousand four hundred dollars and two at one thousand two hundred dollars each; two phonographic reporters, each, three thousand dollars; two secretaries of the court, each, three thousand dollars; each bailiff, one thousand eight hundred dollars; the librarian, one thousand five hundred dollars.

CHAPTER 597.

An act to provide for the reforestation, constructing and maintaining of fire lanes and fire trails on the Angeles national forest, and to make an appropriation therefor.

[Approved May 22, 1919. In effect July 22, 1919.]

The people of the State of California do enact as follows:

Appropriation:
fire
protection
in San
Bernardino
mountains.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended for the purpose of constructing and maintaining fire lanes and fire trails to protect the

timber and brush and other growth on the water shed now standing or that may be planted upon the San Bernardino mountains, in the State of California.

SEC. 2. The state board of control is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of constructing and maintaining fire lanes and fire trails for the protection of the forest and brush specified in section one of this act; *provided, however*, that these expenditures shall not be in excess of the amount or amounts to be expended by the forest service of the federal government in collaboration with the specific work named above; *and provided, further*, that in case the forest service above mentioned does not contribute the fund for said co-operation, that the state board of control shall not have power to enter into such contract or contracts with the said forest service for the expenditure of the said money.

Contracts
with U. S.
forest
service.

CHAPTER 598.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven j, relating to the salary of the superior judge in San Luis Obispo county.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven j and to read as follows:

737j. The annual salary of the judge of the superior court in the county of San Luis Obispo is five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected, or appointed.

Salary of
superior
judge of San
Luis Obispo
county.

CHAPTER 599.

An act to add to the Political Code a new section to be numbered seven hundred thirty-seven k, relating to the salaries of superior judges.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven k, and to read as follows:

737k. The annual salary of the judge of the superior court of the county of Santa Barbara is five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county.

Salary of
superior
judge of
Santa
Barbara
county.

CHAPTER 600.

An act to amend section eighty-six of the Code of Civil Procedure, relating to the justices' clerk and appointees.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section eighty-six of the Code of Civil Procedure is hereby amended to read as follows:

Justices' clerk in counties of over 400,000.

86. The supervisors of such city and county shall appoint a justices' clerk on the written nomination and recommendation of said justices or majority of them, who shall hold office during good behavior, and who shall receive a salary of three thousand six hundred dollars a year. Said justices' clerk shall take the constitutional oath of office and give bonds in the sum of ten thousand dollars for the faithful discharge of the duties of his office and in the same manner as is or may be required of officers of such city and county. A new or additional bond may be required by the supervisors of such city and county and in such amount as may be fixed by said supervisors whenever they may deem it necessary. The said clerk may appoint a chief deputy at a salary of two thousand four hundred dollars a year, a cashier at a salary of two thousand four hundred dollars a year, and three deputy clerks and one messenger each at a salary of one thousand nine hundred eighty dollars a year. Said justices' clerk and each of said appointees shall have authority to administer oaths, take and certify affidavits, and issue and sign writs, summons, and all other processes in any action, suit or proceedings in said justices' court, and generally to do all the acts specified in sections one hundred two and one hundred two a of this code.

Office hours.

They shall be at their respective offices for the dispatch of official business daily, except Sundays, holidays and Saturday afternoons, from the hour of nine o'clock a.m. to five o'clock p.m. The salaries of said justices' clerk and his appointees

Salaries.

shall be paid out of the treasury of said city and county in the same manner as salaries of officers of such city and county are paid, and shall be in lieu of all fees collected by them. All persons who have been appointed to such positions and who have served a period of six months in their respective positions, and all persons who may be appointed to such positions shall, after they have served a period of six months in their respective positions, be entitled to all the benefits of the civil service laws of this state.

Repealed.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 601.

An act appropriating money to construct a cottage on the farm at the Stockton State Hospital.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to construct a cottage on the farm at the Stockton State Hospital.

Appropriation: cottage at Stockton State Hospital.

CHAPTER 602.

An act appropriating money for athletic accommodations at the University of California Farm School at Davis.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for athletic accommodations at the University of California Farm School at Davis.

Appropriation: athletic accommodations at University Farm at Davis.

CHAPTER 603.

An act appropriating money to pay the claim of the Union League Holding Company against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred thirty-six and sixty-six one-hundredths dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the Union League Holding Company against the State of California. The state controller is hereby directed to draw his warrant in favor of the Union League Holding Company for said sum of three hundred thirty-six and sixty-six one-hundredths dollars and the state treasurer is hereby directed to pay the same.

Appropriation: claim of Union League Holding Company.

CHAPTER 604.

An act to amend section one thousand two hundred three of the Penal Code, relating to probation of persons arrested for crime after 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 and providing for the creation of the offices of adult probation officer, assistant adult probation officer and deputy adult probation officer in counties and cities and counties of the second class and in counties of the third class, and fixing their compensation and duties and providing for adult probation boards in certain counties and cities and counties.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand two hundred three of the Penal Code is hereby amended to read as follows:

Hearing on
probation.

2103. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestions of either party, or of its own motion, that there are circumstances which may properly be taken into view, either in aggravation or mitigation, of the punishment, may in its discretion, refer the same to the probation officer, directing said probation officer to investigate, and to report, recommending either for or against release upon probation, at a specified time, and the court shall hear the same summarily at such specified time, and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear from the report furnished by the probation officer, or otherwise, and from the circumstances, of any person over the age of eighteen years so having pleaded guilty, or having been convicted of crime, that there are circumstances in mitigation of the punishment, or that the ends of justice shall be subserved thereby, the court shall have power, in its discretion, to place the defendant upon probation in the manner following:

Suspension
of sentence.

(a) The court, judge or justice thereof, may suspend the imposing, or the execution of sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as herein-after set forth, and upon such terms and conditions as it shall determine, which terms and conditions may include, in the discretion of the court, the requirements of bonds for the appearance of the person released upon probation before the court, at any time that the court may require such appearance in the investigation of any alleged violation of said terms and conditions of probation and such bonds may be at any time by the court exonerated without affecting any of the other terms or conditions of such probation; and in case of such suspension

Bonds.

of imposition or execution of sentence, the court shall place such person on probation and under the charge and supervision of the probation officer of said court, during such suspension; *provided, however*, that where the maximum possible term of such sentence is less than two years, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over two years. Where the offense consists of a violation of section two hundred seventy *a* of the Penal Code of the State of California, such suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over five years.

(b) If the judgment is to pay a fine, and the defendant be imprisoned until it be paid, the court, judge or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however*, that upon the payment of the fine being made, judgment shall be satisfied and the probation cease. Opportunity
to pay fine.

(c) At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court, or the court may, in its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment after the said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence. Rearrest.

May
pronounce
judgment.

(d) 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, but no such order shall be made without written notice first given by the court or the clerk Court may
revoke order.

thereof to the proper probation officer of the intention to revoke or modify its order, 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.

Change
of plea.

(e) Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation or said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

Probation
officers to
serve.

(f) The same probation officers and assistant probation officers and deputy probation officers shall serve under this act as are appointed under the act known as the juvenile court law, and entitled, "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same, except in the case of offenses committed in counties and cities and counties of the second class and counties of the third class, in the case of which offenses the adult probation officers and assistant and deputy adult probation officers appointed under subdivision (g) of this section shall serve under this act; *provided, however*, that in all cases of offenses defined by section twenty-one of said act known as the juvenile court law and by section two hundred and seventy of the Penal Code of California, the same probation officers, assistants and deputies shall serve under this act as are appointed under said juvenile court law.

(g) In counties and cities and counties of the second class, the judges designated for the hearing and disposition of criminal cases and proceedings by a majority vote and in counties of the third class the judge of the department or the judges of the departments, by a majority vote, to which criminal actions and proceedings are assigned shall by order entered in the minutes of the court appoint seven citizens of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately notify each person appointed on said board and thereupon said person shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said court record, to perform faithfully the duties of such adult probation board. The members of such adult probation board 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 board by expiration of the term of office of any member thereof, the 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. Any member of the probation board may be removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of the judges designated for the hearing and disposition of criminal cases and proceedings in counties and cities and counties of the second class, and the judge of the department or a majority of the judges of the departments to which criminal actions and proceedings are assigned in counties of the third class, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judge. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date set therefor and shall specify the purpose thereof.

Adult
probation
board.

Term.

Vacancies.

Removal
for cause.

It shall be the duty of such adult probation board to exercise a friendly supervision of probationers when so directed by the court, to furnish the court information and assistance whenever required upon the request of the court and from time to time to advise and recommend to the court any changes or modification of the order made in the case of a probationer as may be for the best interests of such person.

Duties.

Members of the adult probation board shall serve without compensation.

Adult
probation
officers.

In counties or cities and counties of the second class, there shall be and are hereby created the office of one adult probation officer; eight assistant adult probation officers; the salaries of said officers shall be as follows: adult probation officer, two hundred fifty dollars per month, one assistant adult probation officer, two hundred dollars per month, and seven assistant adult probation officers at one hundred forty dollars per month, each. In counties of the third class there shall be and there are hereby created the offices of one adult probation officer, one assistant adult probation officer and two deputy adult probation officers. The salaries of said officers shall be as follows: Adult probation officer two thousand one hundred dollars per annum; assistant adult probation officer one thousand nine hundred twenty dollars per annum; one deputy adult probation officer one thousand six hundred twenty dollars per annum; and one deputy adult probation officer six hundred dollars per annum. One deputy adult probation officer in counties of the third class shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties; *provided, however*, that in the event an adult probation department is created in counties of the third class, from and after the creation of such department and the appointment of an adult probation officer or any deputy or assistant or like officer who shall relieve the probation officer of the adult probation work, the offices of assistant probation officer at a salary of one hundred seventy-five dollars a month and of assistant probation officer at a salary of one hundred sixty dollars per month shall cease and terminate and be abolished in counties of this class.

Payment of
salaries and
expenses.

The salaries of the adult probation officers, assistant adult probation officers and deputy adult probation officers in counties or cities and counties of the second class and in counties of the third class shall be paid out of the county treasury of the county for which they are appointed respectively in the same manner as the salaries of the other county officers. The adult probation officers, assistant adult probation officers and deputy adult probation officers in said counties or cities and counties of the second class and in counties of the third class shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any laws of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings or by the judge of a department to which criminal actions and proceedings are assigned, 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 said judge of said county directing the county auditor to draw his warrant upon the county treasurer for the specific amount of such expenses. The adult probation officer shall keep a list of expenses and file a copy monthly with the county board of supervisors.

In counties or cities and counties of the second class the adult probation officer, and the assistant adult probation officer and deputy adult probation officers hereinbefore provided for shall be nominated by the adult probation board in manner as the judges designated for the hearing and disposition of criminal cases and proceedings shall direct and the appointment of such adult probation officer, assistant adult probation officer and deputy adult probation officers shall be made by a majority vote of said judges. The term of office of the adult probation officer, assistant adult probation officer and deputy adult probation officers shall be two years from the date of their said appointments.

Appointment
and term
of office.

In counties of the third class the adult probation officer, the assistant adult probation officer and the deputy adult probation officer hereinbefore provided for shall be nominated by the adult probation board and in manner as the judge of the department or a majority of the judges of the departments to which criminal actions and proceedings are assigned shall direct and the appointment of such adult probation officer, assistant adult probation officer, deputy adult probation officer shall be made by said judge or a majority of said judges. The term of office of the adult probation officer, the assistant adult probation officer and the deputy adult probation officer shall be two years from the date of their appointment. The adult probation officer, the assistant adult probation officer and any deputy adult probation officer may at any time be removed in counties or cities and counties of the second class by vote of a majority of the judges designated for the hearing and disposition of criminal cases and proceedings and in counties of the third class by the judge of the department or by a majority of the judges of the departments to which criminal actions and proceedings are assigned for good cause shown and on the filing of written charges by the said judge or judges with the adult probation board. In counties or cities and counties of the second class the judges designated for the hearing and disposition of criminal cases and proceedings, and in counties of the third class the judge of the department or the judges of the departments to which criminal actions and proceedings are assigned shall have authority by an order entered in the minutes of said court to determine and fix the amount of bonds of the adult probation officer of county or city and county and of the assistant adult probation officer of the county or city and county and of the deputy adult probation officers of the county or city and county. If said bonds or any of them are furnished by any surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

In counties
of 3d class.

The adult probation officer may appoint as many additional deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointments shall have been approved by a majority vote of the members of

Additional
deputies.

the adult probation board and by a majority vote of the judges designated for the hearing and disposition of criminal cases and proceedings in counties and cities and counties of the second class, and by a majority vote of the members of the adult probation board and by a judge of the department or a majority vote of the judges of the departments to which criminal proceedings are assigned in counties of the third class. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer without written approval of the majority of members of the adult probation board may at any time, in his discretion, revoke and terminate such appointment. Such deputies except as herein provided shall serve without compensation. It shall be the duty of the legislative body of every county or city and county of the second class and of every county of the third class, immediately upon this act becoming effective, to provide and thereafter maintain, at the expense of such county or city and county, in a location in the vicinity of the jail of such county or city and county, approved by the judges designated for the hearing and disposition of criminal cases and proceedings, in counties or cities and counties of the second class and by the judge of the department or the judges of the departments to which criminal actions and proceedings are assigned in counties of the third class, suitable offices and quarters for the conducting of the business of the adult probation officer, the assistant adult probation officer and the deputy adult probation officers of such county or city and county. Nothing contained in this subdivision shall apply to the offenses defined by section twenty-one of said juvenile court law and by section two hundred seventy of the Penal Code.

Transfer
of cases.

(h) Whenever any person is released upon probation under the provision of this act, the case may be transferred to any court of the same rank in any other county, or city and county, of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county, or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such case, with like power to make transfer whenever to such court such transfer may seem proper.

Report on
person's
antecedents,
etc.

(i) At the time of the plea or verdict of guilty of any crime of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court, and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer

shall keep a complete and accurate record in suitable books or other form in writing, of the history of the case in court, and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment, and occupation, and parents' occupation, and condition of such person so committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court, or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other head of the police, unless otherwise ordered by the court. Said books of record shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

(j) Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation who at the time of such report remains on probation; and a further copy to the secretary of the state board of charities and corrections. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said thirtieth day of June and said thirty-first day of December; and such report shall further segregate such (person) as having been released on probation, as the case may be, in one thousand nine hundred three, one thousand nine hundred four, one thousand nine hundred five and so on, up to and including the calendar year in which such report is made and filed.

Report of
probation
officers.

(k) The probation officer shall furnish to each person who has been released on probation, and committed to his care a written statement of the terms and conditions of his probation unless such statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person upon probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Statement
of terms of
probation.

(l) Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

Powers
of peace
officers.

CHAPTER 605.

An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled "An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor," approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

License for
real estate
business.

SECTION 1. It shall be unlawful for any person, copartnership or corporation to engage in the business, or act in the capacity of a real estate broker, or a real estate salesman within this state without first obtaining a license therefor.

Real estate
broker.

SEC. 2. A real estate broker within the meaning of this act is a person, copartnership or corporation who, for a compensation, sells, or offers for sale, buys, or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases, or offers to lease, rents, or places for rent, or collects rent from real estate, or improvements thereon, for others as a whole or partial vocation. A real estate salesman within the meaning of this act is one who for a compensation is employed by a licensed broker to sell, or offer for sale, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease, or offer to lease, rent, or place for rent, any real estate, or improvements thereon, as a whole or partial vocation.

Real estate
salesman.

Application
of act.

The provisions of this act shall not apply to any person, copartnership or corporation who shall perform any of the acts aforesaid with reference to property owned by such person, copartnership or corporation; nor shall the provisions of this act apply to persons holding a duly executed power of attorney from the owner, nor shall this act be construed to include in any way the services rendered by an attorney at law in performing his duties as such attorney at law; nor shall it be held to include any receiver, trustee in bankruptcy, or any person acting under order of any court, nor to a trustee selling under a deed of trust. One act, for a compensation, of buying or selling real estate or for another, or offering for another to buy or sell or exchange real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom shall constitute the person,

Act
constituting
person, etc.,
a broker.

copartnership or corporation making such offer, sale or purchase, exchange or lease, or negotiating said loan, or so renting or placing for rent or collecting said rent a real estate broker within the meaning of this act.

SEC. 3. There is hereby created a state real estate department. The chief officer of such department shall be the real estate commissioner. He shall be appointed by the governor and hold office at the pleasure of the governor. He shall receive an annual salary of five thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state and execute to the people of the State of California a bond in the penal sum of ten thousand dollars executed by two or more sureties, or by a surety company duly authorized to do business in this state, to be approved by the governor of the state, for the faithful discharge of the duties of his office. The real estate commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. The real estate commissioner shall employ such deputies, clerks and assistants as he may need to discharge in proper manner the duties imposed upon him by law. Neither the real estate commissioner, nor any of his deputies, clerks or assistants, shall be interested in any real estate company or real estate broker as director, stockholder, officer, member, agent or employee. Such deputies, clerks and assistants shall perform such duties as the real estate commissioner shall assign to them. The real estate commissioner shall fix the compensation of such deputies, clerks and assistants, which compensation shall be paid monthly on a certificate of the real estate commissioner and on the warrant of the controller out of the state treasury. Each deputy shall, after his appointment, take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state.

State
real estate
department
created.

Clerks and
deputies.

SEC. 4. The real estate commissioner shall have his principal office in the city of Sacramento, and may establish branch offices in the city and county of San Francisco, and in the city of Los Angeles, and he shall from time to time obtain the necessary furniture, stationery, fuel, light and other proper conveniences for the transactions of business, the expenses of which shall be paid out of the state treasury on the certificate of the real estate commissioner and the warrant of the controller.

Office in
Sacramento.

SEC. 5. All fees charged and collected under this act shall be paid by the real estate commissioner at least once a week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "real estate commissioner's fund," which fund is hereby created.

"Real estate
commissioner's
fund."

"Real estate commissioner's fund."

All moneys which shall be paid into the state treasury and credited to the "real estate commissioner's fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this act, including the payment of the salaries of the commissioner and his deputies, clerks and assistants; and the controller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasurer shall pay the same; *provided, however*, that all of the expenditures of said commissioner including his salary shall be paid only from the real estate commissioner's fund. The commissioner may, with the consent of the board of control, withdraw from said fund a sum not exceeding one thousand dollars to be used as a "revolving fund" where cash advances are necessary. The commissioner must account for the sum withdrawn from said "revolving fund" at any time upon demand of the board of control. It shall be the duty of the real estate commissioner semiannually to certify under oath to the state treasurer and secretary of state the total amount of receipts and expenditures of the real estate commissioner's department for the six months preceding. All moneys remaining in the state treasury to the credit of the "real estate commissioner's fund" at noon on the thirty-first day of December of each year shall on or before the fifteenth day of the succeeding January be transferred from said "real estate commissioner's fund" to the general fund of the state.

Seal.

SEC. 6. The real estate commissioner shall adopt a seal with the words "Real Estate Commissioner State of California" and such other device as the commissioner may desire engraved thereon, by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of the real estate commissioner's department certified under the hand and seal of the commissioner shall be received in evidence in all cases equally and with like effect as the originals.

Attorney general attorney for commissioner.

SEC. 7. The attorney general shall render to the real estate commissioner opinions upon all questions of law relating to the construction or interpretation of this act or arising in the administration thereof that may be submitted to him by the commissioner, and shall act as the attorney for the commissioner in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this act.

Limitations on license.

SEC. 8. No real estate license shall give authority to do any act mentioned in section two of this act to any person, copartnership or corporation other than those to whom said license is issued; *provided, however*, that when a license is issued to a corporation the officers thereof, other than the president, shall be required to obtain a license if engaged in the real estate business as a whole or partial vocation; *and provided, further*, that when a license is granted to a copartnership the members of said copartnership shall each be required to obtain a separate license, except as provided in section ten hereof.

SEC. 9. Application for license as real estate broker shall be made in writing to the real estate commissioner, which application shall be accompanied by the recommendation of two real estate owners of the county in which such applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a license be granted the applicant. If the applicant shall have resided, or shall have engaged in business for less than one year in the county from which the application is made, the same shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during said period of one year prior to the filing of said application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant. Where the applicant for a real estate broker's license maintains more than one place of business within the state he shall be required to apply for and procure a duplicate license for each branch office so maintained by him. Such duplicate license shall be issued without additional charge. Every such application shall state the name of the person, copartnership or corporation, and the location of the place or places of business for which such license is desired.

Applications
for license.

Application for license as real estate salesman shall be made in writing to the real estate commissioner, signed by the applicant, setting forth the period of time during which he has been engaged in the business, stating the name of his last employer and the name and place of business of the person, copartnership or corporation then employing him, or in whose employ he is to enter. The application shall be accompanied by the recommendation of his employer, if employed, certifying that the applicant is honest, truthful and of good reputation, and recommending that the license be granted to the applicant.

Licenses for
salesmen.

The real estate commissioner may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of any corporation, or of the members of any copartnership making such application before authorizing the issuance of a license.

SEC. 10. The fees for licenses shall be as follows:

(1) For a broker's license the annual fee shall be ten dollars. If the licensee be a corporation, the license issued to it shall entitle the president thereof to engage in the business of real estate broker within the meaning of this act. For officers other than the president of a licensed corporation, who shall engage in the business of real estate broker, within the meaning of this act, the annual fee shall be two dollars. If the licensee be a copartnership, the license issued to it shall entitle one member of said copartnership to engage in the business of real estate broker within the meaning of this act. For each

License
fees.

other member of such copartnership who engages in the business of real estate broker within the meaning of this act the annual fee shall be two dollars.

(2) For a salesman's license the annual fee shall be two dollars.

(3) If application for a license is made during the period beginning on the first day of April and ending on the thirtieth day of June, in any year, three-fourths of the annual fee shall be paid; if application is made during the period beginning on the first day of July and ending on the thirtieth day of September, one-half of such annual fee; if application is made during the period beginning on the first day of October and ending on the thirty-first day of December, one-fourth of such annual fee.

(4) All applications for license shall be accompanied by the license fee as herein provided, and all licenses shall expire on December thirty-first of each year.

Display
of licenses
in offices.

SEC. 11. The licenses of both broker and salesman shall be prominently displayed in the office of the real estate broker, and no license issued hereunder shall authorize the licensee to do business except from the location stipulated in the license. Notice in writing shall be given the commissioner of change of business location or change of employer, whereupon the commissioner shall issue a new license for the unexpired period without charge. The change of business location without notification to the commissioner and the issuance by him of a new license shall automatically cancel the license heretofore issued.

Each person, firm or corporation licensed as a broker under the provisions of this act shall be required to have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business.

Revocation
of licenses.

SEC. 12. The real estate commissioner may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker, or a real estate salesman, within this state, and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act, at any time where the holder thereof in performing, or attempting to perform, any of the acts mentioned in section two hereof is guilty of—

- (1) Making any substantial misrepresentation, or
- (2) Making any false promises of a character likely to influence, persuade or induce, or
- (3) A continued and flagrant course of misrepresentation or making of false promises through agents or salesmen, or
- (4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or
- (5) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes dishonest dealing.

Before suspending or revoking any license the said commissioner shall notify, in writing, the holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. The decision of the said commissioner in suspending or revoking any license under this act shall be subject to review in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure; and any party aggrieved by such decision of the commissioner may within ten days from the date of said decision appeal therefrom to the superior court of the State of California, in and for the county in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the commissioner a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within thirty days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner from which the appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such decision.

Appeal from
revocation
of license.

The decision of the commissioner shall not take effect until ten days after its date, and if notice of appeal and demand for transcript are served upon the commissioner in accordance with the provisions of this section, then such stay shall remain in full force and effect until decision upon appeal by said superior court. But if said aggrieved party shall fail to perfect his appeal as herein provided, said stay shall automatically terminate.

SEC. 13. The real estate commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of books and papers. In any hearing in any part of the state the process issued by the commissioner shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record or by any person designated for that purpose by the commissioner. The person serving any such process shall receive such compensation as may be allowed by the commissioner, not to exceed the fees proscribed by law for similar service, and such fees shall be paid in the same manner as provided herein for the payment of the fees of witnesses. Each witness who shall appear by order of the commissioner shall receive for his attendance the same fees and mileage allowed by law to a witness in civil

Powers of
commis-
sioners.

Service of
process.

cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commissioner his fees and mileage shall be paid from the funds appropriated for the use of the said real estate department in the same manner as other expenses of said department are paid.

Powers of
superior
court.

The superior court in and for the county in which any hearing may be held by the commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the commissioner. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena the commissioner may report to the superior court in and for the county in which the hearing is pending by petition, setting forth that due notice has been given of the time and place of attendance of said witness or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by subpoena before the commissioner in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing, and ask an order of said court compelling the witness to attend and testify or produce said papers before the commissioner. The court upon petition of the commissioner shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended or testified or produced said papers before the commissioner. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commissioner, the court shall thereupon enter an order that said witness appear before the commissioner at the time and place fixed in said order and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Taking of
depositions.

The commissioner may in any hearing before him cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of books and papers.

Right to
attendance
of witnesses.

Any party to any hearing before the commissioner shall have the right to the attendance of witnesses in his behalf at such hearing or upon deposition as set forth in this section upon making request therefor to the commissioner and designating the person or persons sought to be subpoenaed.

When
salesman is
discharged.

SEC. 14. When any salesman shall be discharged by his employer for a violation of any of the provisions of section twelve hereof, a written statement of the facts in reference

thereto shall be filed forthwith with the real estate commissioner by the employer.

Sec. 15. No violation of any of the provisions of this act on the part of any salesman or employee of any licensed broker in this state shall cause the revocation or suspension of the license of the employer of said salesman or employee unless it shall appear upon a hearing to be had by the commissioner in accordance with section twelve hereof that said employer had guilty knowledge of such violation.

Employer's license not affected by employee's violation.

Sec. 16. The real estate commissioner may prefer a complaint for violation of section one of this act before any court of competent jurisdiction, and said commissioner and his counsel, deputies or assistants may 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 provision of this act in their respective counties in which such violations occur.

Prosecution of violations.

Sec. 17. Any person or corporation acting as real estate broker or real estate salesman within the meaning of this act without a license as herein provided shall, upon conviction thereof, if a person, be punished by a fine of not to exceed two thousand dollars, or by imprisonment in the county jail or state prison for a term not to exceed two years, or by both such fine and imprisonment, in the discretion of the court; or if a corporation, be punished by a fine of not to exceed five thousand dollars.

Penalty for acting without license.

Sec. 18. It shall be unlawful for any licensed broker to pay a commission for performing any of the acts herein specified to any person who is not a licensed broker, or a licensed salesman.

No commission to unlicensed persons.

Sec. 19. For a violation of any of the provisions of sections fourteen and eighteen of this act the real estate commissioner may temporarily suspend or permanently revoke the license of such holder in accordance with the proceedings set forth in section twelve of this act.

Violation of sections 14 and 18.

Sec. 20. No person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker or a real estate salesman within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any of the acts mentioned in section two hereof without alleging and proving that such person, copartnership or corporation was a duly licensed real estate broker or real estate salesman at the time the alleged cause of action arose.

Party to action must be licensed.

Sec. 21. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality.

Stats. 1917,
p. 1579,
repealed.

SEC. 22. An act entitled "An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision and licensing thereof; to create the office of real estate commissioner and making an appropriation therefor," approved June 1, 1917, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 606.

An act to amend section one thousand eight hundred fifty-eight of the Political Code, relating to the apportionment of the elementary school funds and the counting of attendance in the elementary and secondary schools of the state.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand eight hundred fifty-eight of the Political Code is hereby amended to read as follows:
1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows:

Apportionment of school moneys.

Number of teachers in each district.

First—He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having thirty-five or a less number of units of average daily attendance and one additional teacher for each additional thirty-five units of average daily attendance, or fraction of thirty-five not less than ten units of average daily attendance as shown by the annual school report of the school district for the next preceding school year; and two additional teachers shall be allowed to each district for every seven hundred units of average daily attendance; and in districts wherein separate classes are established for the instruction of the deaf, as provided in section one thousand six hundred eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes.

Total number of teachers.

Second—He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed to the several districts. He must make an annual report of the schools of his county or city and county under oath to the superintendent of public instruction not later than August first of each year, and must report the number of teachers ascertained and allowed to his county or city and county by the rule or provisions of subdivision one hercof.

Apportionment for each district.

Third—Eight hundred dollars shall be apportioned to every school district for every teacher so allowed to it;

provided, that to districts having over thirty-five or a multiple of thirty-five units of average daily attendance and a fraction of less than ten units of average daily attendance, forty dollars shall be apportioned for each unit of average daily attendance in said fraction.

Fourth—All school moneys remaining on hand, after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the next preceding school year. In any newly-organized school district where school was not maintained during the school year in which it was organized the county superintendent shall apportion eight hundred dollars to the newly-organized school district for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

Apportionment of balance.

Fifth—A minimum full day's attendance on the regular full-time elementary day school as hereby established is, for a pupil of the first, second, or third grade, two hundred minutes, and for a pupil of the fourth, fifth, sixth, seventh, or eighth grade, two hundred forty minutes, of actual attendance for any given day upon school sessions, exclusive of intermissions. When a pupil is absent from the first, second, or third grade of a regular full-time day school, for any day, session, or part of a session, five per cent of a day's absence must be recorded for each full ten-minute period of absence; and when a pupil is absent from any other grade of said elementary school for any day, session or part of a session, five per cent of a day's absence must be recorded for each full twelve-minute period of absence; *provided, however*, that such record may not for any one day exceed one hundred per cent. The actual attendance of a pupil upon a regular full-time day school for any given length of time shall be the number of days school was actually taught during such time less the sum of his absences. Attendance upon evening schools and special day and special evening classes of day schools of elementary and secondary grade shall be kept according to regulations prescribed by the state board of education. A full day's attendance upon such schools or classes shall be four sixty-minute hours. Units of average daily attendance in elementary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time day and evening elementary schools including the special day and evening classes of the elementary schools of the district for the school year by the number of days school was actually taught in the regular elementary day schools of the district during said year; and units of average daily attendance in secondary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time secondary schools, the evening secondary schools, the special day and evening classes of secondary schools, and the

Daily and average attendance.

part-time vocational courses of the district for the school year by the number of days school was actually taught in the regular secondary day schools of the district during said year; *provided*, that where a high school maintains during the school year four terms of school of at least twelve weeks each, and where the course of instruction is so arranged that students may complete a full year's work in any three of these terms, the total number of days of pupils' attendance, as specified above, shall be divided by the greatest number of days school was actually taught in any three of the four terms, but in no case shall said divisor be less than one hundred seventy-five; *provided, further*, that in making up the aggregate attendance, if the number of days of attendance of any pupil for the fiscal year exceeds the above-mentioned divisor, the number of days which may be included on account of such pupil's attendance shall equal said divisor.

Regulations
for keeping
attendance.

Sixth—Subject to the provisions of this code, the state board of education shall adopt uniform regulations governing the keeping of attendance in all secondary schools. In adopting regulations governing the keeping of the attendance of pupils upon the part-time vocational courses provided for in section one thousand seven hundred fifty c of this code, the state board may, in its discretion, provide that the time spent by a pupil in practical vocational work shall be counted in making up each six-hour minimum daily unit of attendance.

Where school
is closed for
part of term.

Seventh—Where a school in a district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the state board of health, on account of contagious disease, or where such school has been closed on account of fire, flood or other public disaster, the average daily attendance of said school shall be estimated separately and added to the average daily attendance of the other schools of the district. The units of average daily attendance of said school shall be determined by dividing the total number of days of pupils' attendance upon such school including the special day and evening classes and the part-time vocational courses by the number of full-day sessions actually maintained in such school during the year; *provided*, that where such number is less than one hundred twenty days the divisor shall be one hundred twenty.

Transfer of
moneys to
make up
deficit.

Eighth—Whenever in any school year, prior to the receipt by the school districts of any county, or city and county of this state, of their state, county, or city and county, or special or high school fund, the school districts of that county, or city and county shall not have sufficient money to their credit to pay the lawful demands against them, the county or city and county superintendent shall give the treasurer of said county or city and county, an estimate of the amount of school money that will next be paid into the county or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, or city and county, to transfer from any fund

not immediately needed to pay the claims against it, to the proper school fund an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be retransferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

CHAPTER 607.

An act to amend section six hundred thirty-three of the Political Code, relating to the licensing of agents and solicitors.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred thirty-three of the Political Code is hereby amended to read as follows:

633. No person shall within this state act as the agent of any insurance or surety company or society until such person shall have first obtained a license from the insurance commissioner authorizing him or it so to act. License for insurance agents.

Any person duly appointed and authorized by an insurance or surety company or society to solicit applications for insurance or surety bonds, or effect insurance or surety bonds in the name of such company, shall be an agent within the meaning of this section. The insurance commissioner shall upon written notice from any insurance or surety company or society, authorized to transact business in this state, of its appointment of any person to act as its agent and upon payment of the fee provided for in section six hundred five of the Political Code, issue to such person a license in such form as may be prescribed by the insurance department; *provided, however,* that such proposed licensee shall first file with the insurance commissioner of the State of California upon a form to be prescribed and furnished by said insurance commissioner, an application in writing, duly verified under oath, reciting, Agent defined.

First—The applicant's full name and address;

Second—The name of the company for which the applicant is to act as agent;

Third—The applicant's experience in the insurance or surety business;

Fourth—If the applicant is engaged in any business other than insurance or surety, the nature of such business and the name under which such business is conducted;

Fifth—That the applicant intends to carry on in good faith the occupation of an insurance or surety agent, and that said Application for license.

applicant does not seek such appointment for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state.

Revocation
or suspension
of license.

If it shall be brought to the attention of the insurance commissioner that any agent licensed hereunder has wilfully misstated any material fact in his application, or that the purpose or principal use of such license as an insurance or surety agent is to avoid or prevent the operation or enforcement of any antirebate law or other insurance law of this state, or that such agent conducts his business in a dishonest manner or misrepresents the policies or contracts he sells or misrepresents the policies or contracts of other agents or companies, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, then the insurance commissioner shall give notice to such agent and cite him to appear before such insurance commissioner and show cause why his license as an insurance or surety agent should not be suspended or revoked. If at the hearing of said order to show cause it shall appear that said agent has wilfully misstated any material fact in his application to the insurance commissioner, or that the purpose or principal use of such license is to avoid or prevent the operation or enforcement of any antirebate law or other insurance law of this state, or that such agent conducts his business in a dishonest manner or misrepresents policies or contracts he sells or misrepresents the policies or contracts of other agents or companies, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, then the insurance commissioner shall either revoke or suspend the license of such agent, and shall notify both the agent and the company of such revocation or suspension.

Action may
be brought
by agent.

If at any time the insurance commissioner revokes or suspends the license theretofore granted to any agent, such applicant or agent may commence an action against the insurance commissioner for the purpose of reviewing the facts and the law pertinent to the controversy, and for the purpose of obtaining relief, or canceling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts *de novo* without regard to the determinations previously made by the insurance commissioner. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such actions.

Such action shall be commenced and tried in the superior court of the county in which such agent resides, unless the parties thereto stipulate otherwise.

Term
of license.

Unless revoked by the commissioner, or unless the company by written notice to the commissioner cancels the agent's authority to act for it, such license, or any renewal thereof, shall expire on the first day of July next after its issue or renewal. Any license issued after this section takes effect may in the discretion of the insurance commissioner be renewed for

a succeeding year by a renewal certificate without the commissioner requiring the detailed information required by this section.

Any person who shall act or offer to act or assume to act as an insurance or surety agent unless licensed by the insurance commissioner as provided in this section, or after such license granted to him or it has been suspended or revoked, shall be guilty of a misdemeanor, but any policy issued on an application, thus procured, shall bind the insurance company if otherwise valid. Violation.

Nothing in this section shall be construed to apply to, refer to, or affect county mutual fire insurance companies, or their agents, or title insurance business, or fraternal benefit societies, or agents or employees of reciprocal or interinsurance exchanges. Exemptions from provisions of act.

Nothing herein contained shall in any manner limit the fees provided for in section six hundred five of the Political Code.

CHAPTER 608.

An act to add a new section to the Political Code, to be numbered section five hundred ninety-six b, relating to the powers of the insurance commissioner to revoke and suspend certificates of authority of insurance companies in certain cases.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section five hundred ninety-six b, and to read as follows:

596b. Whenever the insurance commissioner ascertains that any company engaged in insurance business in this state is conducting its business fraudulently, or is not carrying out its contracts in good faith, and habitually and as a matter of ordinary practice and custom compels claimants under policy contracts to either accept less than the amount due under the terms of such contract, or to resort to litigation against such company to secure the payment of the amount due, the insurance commissioner may revoke or suspend the certificate of authority of such company, such suspension to be for a period of not exceeding one year, as may be prescribed by the commissioner in the order of suspension. Suspension of certificate of authority of insurance company.

No action shall be taken by the commissioner under this section unless he has first given notice to such company and cited it to appear at a time and place to be fixed in such notice, and show cause why its certificate of authority should not be Hearing.

suspended or revoked. If at such hearing the facts warranting the same are established to the satisfaction of the commissioner, he may deal with the certificate of authority of such company as hereinbefore provided. Any company proceeded against by the commissioner under this section which shall be dissatisfied with his determination may commence an action against the insurance commissioner for the purpose of reviewing the facts and the law pertinent to the controversy, and for the purpose of obtaining relief, or canceling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts *de novo* without regard to the determination previously made by the insurance commissioner. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

CHAPTER 609.

An act to amend section five hundred ninety-four of the Political Code, relating to the classification of insurance, and the reserves required in certain classes.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred ninety-four of the Political Code is hereby amended to read as follows:

Classification
of insurance
business.
Life.

594. All insurance business in the State of California is hereby classified in the following eighteen kinds, namely:

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities.
- Fire. 2. Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes.
- Marine. 3. Marine insurance, including within its meaning insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation.
- Title. 4. Title insurance, including within its meaning the issuance of guarantees and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise.

5. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds. Fidelity and surety.

6. Accident insurance, and either sickness or health insurance, including within its meaning insurance against injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto. Accident.

7. Plate glass insurance, including within its meaning all insurance against breakage of glass, whether local or in transit. Plate glass.

8. Liability insurance, including within its meaning all insurance against loss or damage resulting from accident to or injury, fatal or nonfatal, suffered either by an employee or other person, and for which the insured is liable, except workmen's compensation insurance, and except common carrier liability insurance. Liability.

9. Workmen's compensation insurance which is hereby defined to be insurance against any liability imposed by law upon any or all employers of labor or other person to compensate their or any employees and the dependents of such employees for any injury sustained by such employees by accident arising out of and in the course of their employment, irrespective of negligence or of the fault of either party, and includes all insurance written in accordance with the provisions of the workmen's compensation insurance and safety act of 1917, and amendments thereto; *provided*, that insurance carriers as defined in said act and also all companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by sections six hundred two *a* of the Political Code for insurance carriers and companies doing liability insurance or insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable. Workmen's compensation.

10. Common carrier liability insurance, which is hereby defined to be all insurance against loss or damage, resulting from accident to, or injury, fatal or nonfatal, suffered either by an employee, or other person, and for which any common carrier is liable, except workmen's compensation insurance; *provided*, that companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by section six hundred two and six hundred two *d* of the Political Code for companies doing liability insurance. Common carrier liability.

11. Boiler and machinery insurance, including within its meaning insurance upon steam boilers and pipes, flywheels, engines and machinery connected therewith or operated thereby, against explosion and accident, and against loss and damage to life or property resulting therefrom, and against loss of use and occupancy caused thereby. Boiler and machinery.

- Burglary.** 12. Burglary insurance, including within its meaning insurance against loss by burglary or theft or both.
- Credit.** 13. Credit insurance, including within its meaning insurance of merchants, traders, and those engaged in business and giving credit for loss and damage by reason of giving and extending credit to their customers and those dealing with them, and insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.
- Sprinkler.** 14. Sprinkler insurance, including within its meaning insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus placed for extinguishing fires, and of water pipes, against accidental injury to such sprinklers, pumps, or other apparatus.
- Team and vehicle.** 15. Team and vehicle insurance, including within its meaning insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used does not include ships or vessels, nor boats nor any railroad rolling stock.
- Automobile.** 16. Automobile insurance, including within its meaning the insurance of the owners of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles, except the hazard or liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such automobile. No company shall assume any hazard or risk upon an automobile unless authorized to assume hazards or risks of that character by its charter or articles of incorporation. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only.
- Mortgage.** 17. Mortgage insurance, including within its meaning the guaranteeing of the payment of the principal, interest and other sums agreed to be paid under the terms of any note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed, in its entirety, or of an undivided or other partial interest in any such mortgage or trust deed, or in a group of such mortgages or trust deeds, and the guaranteeing or insuring, directly or indirectly, against loss thereon.
- Miscellaneous.** 18. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance;

and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance.

No company shall do any of the foregoing eighteen kinds of insurance unless authorized to do so by its charter; *provided, however,* that companies heretofore authorized to write liability insurance may continue to write workmen's compensation insurance and common carrier liability insurance in the same manner as if the said last two kinds of insurance were expressly permitted in their charter

No company having a capital stock shall do life insurance in California without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the sixth, eighth, and ninth, and tenth classes; *provided,* that any such insurance company desiring to do either the sixth, eighth, or ninth and tenth class, must have in addition to such two hundred thousand dollars of capital stock at least fifty thousand dollars of capital stock for each permitted class it desires to do except that an additional capital stock of fifty thousand dollars shall be sufficient capital stock to enable such company to do the eighth, ninth, and tenth classes of insurance. No company having a capital stock shall do in California any fire insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other kinds of insurance except the third, eleventh, fourteenth, sixteenth and eighteenth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars, and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does fire insurance, or the four hundred thousand dollars if it does both fire and marine insurance. No company having a capital stock shall do in California marine insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the second, fifteenth, sixteenth and eighteenth classes. To do both fire and marine insurance, such company must have a capital stock of at least four hundred thousand dollars, and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does marine insurance, or the four hundred thousand dollars if it does both fire and marine insurance. No company having a capital stock shall do in California any of the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth or eighteenth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first class of insurance such company desires to

Requirements to do business.

Capital stock required

Capital
stock
required.

do, nor do any other of such classes without having in addition thereto of at least fifty thousand dollars capital stock for each additional permitted kind of insurance it desires to do; *provided, however*, that any company having a capital stock of at least one hundred thousand dollars may do the eighth, ninth, and tenth classes of insurance, or having qualified to do any of the fifth, sixth, seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, or eighteenth classes of insurance may do the eighth, ninth, and tenth class of insurance upon having an additional capital stock of at least fifty thousand dollars. Except as above prescribed, no company doing either the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth or eighteenth classes of insurance shall do any of the first, second, or third classes of insurance. No company doing the fourth class of insurance shall do any other class of insurance. No company doing the seventeenth class of insurance shall do any other class of insurance. No company doing any other class of insurance shall do either the fourth class or seventeenth class of insurance. No company shall do in California any title insurance without having at least one hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy. No company shall do in California any mortgage insurance without having at least two hundred fifty thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy.

Capital
stock must
be paid up.

Such capital stock required must be fully paid up before doing any such business in California. The capital stock required must be unimpaired and shall be exclusive of all liability for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in sections six hundred two and six hundred two *a* of the Political Code. Every company organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock less than as above prescribed must have in lieu of such capital stock available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in section six hundred two and six hundred two *a* of the Political Code.

CHAPTER 610.

An act to amend sections four, six, nine and fourteen of the act entitled "An act providing for reciprocal and inter-exchange of indemnities, prescribing regulations therefor and fixing a license fee, and repealing an act entitled 'An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee,' approved December 24, 1911," approved

May 26, 1917, relating to the kinds of insurance such concerns may transact and to their fees and taxes and to the applicability of other insurance laws.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four of an act entitled "An act providing for reciprocal and interexchange of indemnity, prescribing regulations therefor and fixing a license fee," and repealing an act entitled "An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," is hereby amended to read as follows:

Stats. 1917
p. 1171.

Sec. 4. Concurrently with the filing of the declaration provided for by the terms of section three of this act, the attorney shall file with the insurance commissioner:

Instrument
and bond
filed by
attorney.

(a) An instrument in writing executed by him for said subscribers, conditioned that upon the issuance of a certificate of authority provided for in this act, action may be brought in the county in which the property or person insured thereunder is located and service of process may be had upon the insurance commissioner in all suits in this state arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. Three copies of such process shall be served and the insurance commissioner shall file one copy, forward one copy to said attorney by registered mail addressed to the attorney at the principal office as fixed in the certificate filed, and shall return one copy with his admission of service. A judgment rendered in any such case where service of process has been so made shall be valid and binding against any and all subscribers as their interests appear and such judgment may be satisfied out of the funds in the possession of the attorney belonging to such subscribers or otherwise.

Instrument.

(b) A bond in favor of the people of the State of California executed by the said attorney, with two sureties to be approved by the insurance commissioner in the penal sum of twenty-five thousand dollars, conditioned that the attorney will faithfully perform the duties imposed upon him under the said powers of attorney and faithfully account for moneys handled by him thereunder; such bond may be sued upon by any subscriber suffering loss through violation of the conditions thereof and liability thereunder may be enforced by any individual subscriber or any number of subscribers, in one or the same action; *provided, however*, that where the power of attorney executed by the subscribers or the rules and regulations adopted by the association for the conduct of its business

Bond.

thereunder, provide for the bonding of the attorney, a certified copy of the bond executed in accordance with such powers of attorney or rules and regulations, shall be filed with the insurance commissioner in lieu of any other bond required under this act.

Stats. 1917,
p. 1172.

Assets to be
maintained.

SEC. 2. Section six of said act is hereby amended to read as follows:

Sec. 6. There shall at all times be maintained as assets a sum in cash or securities of the kind designated by the laws of the state where the principal office is located for the investment of funds of insurance companies, equal to one hundred per cent of the net unearned premiums or deposits collected and credited to the accounts of subscribers, or assets equal to fifty per cent of the net annual premiums or deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and pro rata on those for a longer period, in addition to which there shall be maintained as a reserve in cash or such securities, assets sufficient to discharge all liabilities on all outstanding losses arising under policies issued, the same to be calculated on the basis and in the manner provided by law for the maintenance of similar reserves by companies insuring similar risks; *provided, however*, that all reserves on indemnity exchanged prior to July 1, 1919, shall be calculated according to the provision of law in force at the time said contracts were entered into.

Savings or credits, however, may be returned to the subscribers, irrespective as to the source from which the same accrue, whenever such returns do not constitute an impairment of the assets or reserves to be maintained as herein required; *provided, however*, that there shall be no discrimination in the making of such returns as between persons or places.

Net
deposits.

Net deposits shall be construed to mean (a) the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscribers' agreements for expense, or (b) in the event no such specific provision for expense be therein made, the advance payments of subscribers after deducting therefrom the reasonable expense incidental to the conduct of business not exceeding however twenty-five per cent of such advance payments.

If deficiency
in assets.

If at any time the assets so held in cash or such securities, exclusive of loss reserves herein provided for, shall be less than required above, or be less than twenty-five thousand dollars in any exchange writing any kind of insurance, or, in any exchange writing common carrier liability insurance shall on or after the third anniversary of the date of the organization be less than fifty thousand dollars, the subscribers, or their attorney for them, shall make up the deficiency within thirty days after notice from the insurance commissioner so to do.

Where the subscribers are grouped, by industries, or otherwise, under any rule or agreement which exempts the funds of one group from liability, in whole or in part, for the payment of losses or expenses chargeable against another group, each independent group must maintain the reserve herein specified and comply with the requirements of subdivision (f) of section three hereof, relative to the number and amount of risks to be assumed.

Reserves of independent groups.

SEC. 3. Section nine of said act is hereby amended to read as follows:

Stats. 1917, p. 1174

SEC. 9. Upon compliance with the requirements of this act, and the payment of a fee of fifty dollars, the insurance commissioner shall issue a certificate of authority or a license to the attorney authorizing him to make such contracts of insurance, which license shall specify the kind or kinds of insurance to be effected and shall contain the name of the attorney; the location of the principal office and the name or designation under which such contracts of insurance are issued. Such license shall be renewed annually upon a showing that the standard of solvency required herein has been maintained and all fees and taxes required have been paid. For such renewal a fee of ten dollars shall be paid.

Certificate of authority.

SEC. 4. Section fourteen of said act is hereby amended to read as follows:

Stats. 1917, p. 1175.

SEC. 14. (a) Except as herein provided, the making of contracts as herein provided for and such other matters as are incident thereto shall not be subject to the laws of this state relating to insurance unless they are therein specifically mentioned. This section shall not be construed, however, as depriving the insurance department of the state of the right of examination of and supervision over reciprocal or inter-insurance exchanges, their agents and brokers, or of the right to hold and conduct hearings in the manner and under the same procedure as provided by law in the case of mutual or other insurance companies but such right is hereby expressly recognized and confirmed, but agents or brokers of reciprocals need not be expressly licensed.

Not subject to insurance laws.

(b) It shall be unlawful for any reciprocal or interinsurance exchange, its attorney in fact, agent or broker to give or offer a rebate to a subscriber, directly or indirectly. A rebate is hereby defined as an allowance, gift, setoff or payment directly or indirectly made or offered as an inducement to secure the exchange of indemnities, other than a savings or credit to be returned to a subscriber in accord with the provisions contained in the power of attorney or in the reciprocal or interinsurance contract executed by him.

Unlawful to give rebate.

CHAPTER 611.

An act to amend sections one thousand four hundred one and one thousand four hundred two of the Civil Code, relating to the distribution of community property on death of husband or wife, to add a new section to the Civil Code to be numbered one thousand four hundred two a, relating to inheritance taxes and compensation of executors and administrators and attorneys fees, and to add a new section to the Civil Code to be numbered one thousand two hundred seventy-one, relating to the disposition of community property by will.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand four hundred one of the Civil Code is hereby amended to read as follows:

One-half of community subject to testamentary disposition of wife.

1401. Upon the death of the wife, one-half of the community property belongs to the surviving husband, and the other half is subject to the testamentary disposition of the wife, subject, however, to the provisions of section one thousand two hundred seventy-one of the Civil Code; and in the absence of such testamentary disposition, the entire community property goes to the surviving husband without administration, except such portion thereof as may have been set apart to the wife by judicial decree for her support and maintenance, which portion is subject to her testamentary disposition, and in the absence of such disposition goes to her descendants or heirs, exclusive of her husband, and the fact of intestacy may be determined by proceedings under section one thousand seven hundred twenty-three of the Code of Civil Procedure. When the wife makes testamentary disposition of her interest in the community property, the entire community property is subject to the community debts, and the charges and expenses of administration. Prior to admission of any such will to probate, the husband shall continue in the management and control of the community property; after the admission of the will to probate, the court may and so far as the proper and advantageous administration of the estate will permit, must continue the management and control of the community property in the husband, who from time to time shall account to the estate for such management and control.

SEC. 2. Section one thousand four hundred two of the Civil Code is hereby amended to read as follows:

One-half subject to testamentary disposition of husband.

1402. Upon the death of the husband, one-half of the community property belongs to the surviving wife, and the other half is subject to the testamentary disposition of the husband, subject, however, to the provisions of section one thousand two hundred seventy-one of the Civil Code, and in absence

of such testamentary disposition, it all goes to the surviving wife upon administration. In case of the dissolution of the community by the death of the husband, the entire community property is equally subject to his debts, the family allowance and the charges and expenses of administration.

SEC. 3. A new section is hereby added to the Civil Code to be numbered one thousand four hundred two *a*, and to read as follows:

1402*a*. The one-half of the community property which belongs to the surviving spouse shall not be subject to inheritance tax or be reckoned as part of the estate of the deceased spouse for the purpose of fixing the compensation of executors or administrators or fixing attorneys fees. Share of surviving spouse exempt from inheritance tax, etc.

SEC. 4. A new section is hereby added to the Civil Code to be numbered one thousand two hundred seventy-one, and to read as follows:

1271. Either husband or wife may, by will, dispose of his or her half of the community property by and with the consent of the other, which consent must be in writing upon or attached to the will: but either spouse may, without the consent of the other, make such testamentary disposition in favor of the other spouse or of the lineal descendants of the testator. Consent to dispose of property by will.

CHAPTER 612.

An act to amend sections seven, eight and nine of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, and to add four new sections thereto to be numbered eight and one-half, eight c, eight f and eight g.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, is hereby amended to read as follows: Stats. 1915, p. 1067.

Sec. 7. Any person violating any of the provisions of sections eight or eight *a* of this act shall upon conviction be guilty of and shall be punished as follows, viz: for the first offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding Penalty for unlawful sale of narcotics.

one hundred eighty days, or by both such fine and imprisonment; for the second offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense said person so convicted shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in sections eight or eight a, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines, received under the operation of this act shall be paid by the magistrate receiving same, seventy-five per cent to the state board of pharmacy, and twenty-five per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted. The following is schedule "A" referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, savin, and tansy, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna, nuxvomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule.

Schedule "A."

Schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromide, chloroform, cowhage, creosote, ether, solution of formaldehyde or formaline; cantharides, cocculus indicus, all their preparations; iodine, or its tinctures, oil of pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of cresol.

Stats. 1915, p. 1067.

Unlawful to sell certain narcotic drugs.

Sec. 2. Section eight of said act, approved March 6, 1907, is hereby amended to read as follows:

Sec. 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova caine, flowering tops and leaves, extracts, tinctures and other narcotic preparations or hemp or loco weed (*Cannabis sativa*), Indian hemp, peyote (*Anhalonium*), or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of

the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than ten grains of chloral hydrate, or four grains of Indian hemp or loco weed excepting upon the written order of the prescriber for each and every subsequent compounding and dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filing thereof; *provided*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, and acts amendatory thereof; or physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; *provided, further*, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section two of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations. And said records shall always be open for inspection by any peace officer or any member of the board of pharmacy or any inspector authorized by said board and such records shall be preserved for at least two years after the date of the last entry therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provision of this act;

Physician's
prescription.Permanent
record.No copy or
duplicate.Not
applicable
to sales
at wholesale.Wholesaler's
record.Order to
traveling
agent
deemed sale.

Copy of
order to
board of
pharmacy.

Unlawful for
practitioners
to prescribe
narcotics to
habitual
users.

Report of
habitual
users
taken for
treatment.

provided, further, that a true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in this section shall be forwarded by registered mail to the secretary of the California state board of pharmacy within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section two of an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in this section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to administer to himself as a habitual user or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine or dentistry to prescribe or give any of the foregoing substances for himself or any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe or furnish any of the foregoing substances for the use of himself or any other human being; *provided, however*, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; *provided*, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the California state board of pharmacy, within twenty-four hours after the first treatment, each and every habitual user of such narcotic drugs as are enumerated in this section, whom he or she has taken, in good faith, under his or her professional care, for the cure of such habit, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment; *and provided, further*, that the above provisions shall not apply to preparations of the United States pharmacopœia and national formulary or other recognized or established formula or remedies sold or dispensed without a physician's prescription containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-eighth grain of heroin, or ten grains of chloral hydrate or four grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce, avoirdupois, except tincture opii camphorata (commonly known as paregoric)

which may be sold only upon the prescription of a physician licensed to practice in this state and said prescription shall not be again refilled or dispensed.

Sec. 3. A new section is hereby added to said act approved March 6, 1907, to be numbered eight and one-half and to read as follows:

Sec. 8½. Any licensed physician treating any habitue under section eight of this act shall not prescribe for or furnish such habitue more than eight grains of opium, or four grains of morphine, or two grains of cocaine, or two grains of heroin for each daily treatment and at the end of fifteen days of such treatment the said physician shall not prescribe for or furnish to such habitue, for each daily treatment, more than four grains of opium, or two grains of morphine, or one grain of cocaine, or one grain of heroin, and at the end of thirty days from the first treatment, the prescribing or furnishing of any of the narcotic drugs above enumerated shall be entirely discontinued; and the physician shall report by registered mail as required in section eight of this act, and shall in the same manner further report in fifteen days, and in thirty days, the progress of the patient under the treatment so administered by him; otherwise, said treatment shall not be considered in good faith as provided in section eight of this act; *provided, however*, that any licensed physician may prescribe for or furnish his patient as their physician employed by them as such, and who is suffering with some incurable disease, ailment, or injury, any of the narcotic drugs mentioned in section eight, in such quantity as may be necessary for a reasonable length of time and the physician prescribing or furnishing any of the narcotic drugs must personally furnish a signed, detailed report in writing, to the office of the California state board of pharmacy, by registered mail, within twenty-four hours after writing the first prescription or furnishing the narcotic drug to such patient; *and provided, further*, that the California state board of pharmacy may employ a licensed physician to interview, examine and report the result of such interview or examination of any patient coming under the provisions of this section; *provided, further*, that the California state board of health shall furnish, upon request in writing from the California state board of pharmacy, a list of incurable diseases or ailments which, in its judgment, might require excessive amounts of narcotic drugs to be prescribed for or furnished by a physician for relief or benefit.

SEC. 4. A new section is hereby added to said act, approved March 6, 1907, to be numbered eight c, and to read as follows:

Sec. 8c. It is hereby made unlawful for any person to sell, vend, give away, or furnish, either directly or indirectly, to any person other than a duly licensed physician, licensed to practice and prescribe medicines in this state, or to a dentist or a veterinarian, or a pharmacist licensed to practice in this

Limit of
prescriptions
to habitual
users.

Reports of
physician.

Unlawful
to sell
hypodermic
syringe or
needle
without
physician's
order.

state, or person holding an unrevoked license to practice osteopathy, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, without a written, signed order from a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this state, said order to contain the name and address of the party for whom ordered; or for any person other than a physician, dentist, veterinarian or pharmacist licensed to practice in this state, to have in his possession such an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or any instrument or contrivance used for the same purpose as a hypodermic syringe or hypodermic needle, unless said instrument or contrivance was purchased by said person through and with a written order signed by a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this state or person holding an unrevoked license to practice osteopathy, as above provided. No order, certificate or prescription shall be for more than one hypodermic syringe or for more than three hypodermic needles and no copy or duplicate of such order shall be made for or delivered to any person and said order or prescription shall be accepted and filled only once; *provided, however*, that the above restrictions shall not prevent any duly registered nurse of this state or student nurse in any hospital or training school for nurses from obtaining or possessing any hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a licensed physician or licensed dentist; *provided, further*, that the board of pharmacy may upon application and at its discretion issue a permit, revocable at the discretion of the said board, to any duly registered pharmacist, for a limited period, permitting and authorizing such pharmacist to sell and dispense hypodermic syringes and needles for specified purposes, to persons not addicted to the use of the narcotic drugs enumerated in this act, and sales made under the authority of and in conformity with the terms of such permit shall not be construed to be in violation of the provisions of this section.

Permit
to sell.

Penalties.

Any person violating any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as follows: for the first offense by a fine of not less than twenty-five dollars and not more than fifty dollars or by imprisonment for not less than twenty-five days and not more than fifty days or by both such fine and imprisonment; and for each subsequent offense by a fine of not less than fifty dollars and not more than one hundred dollars or by imprisonment for not less than fifty days and not more than one hundred days or by both such fine and imprisonment. All fines, moneys, or forfeited bail imposed for violation of this section, upon collection thereof, shall be disposed of as is provided for in the disposition of fines, moneys or forfeited bail under section seven of this act.

SEC. 5. A new section is hereby added to said act, approved March 6, 1907, to be numbered eight *f*, and to read as follows:

Sec. 8*f*. For the purpose of this act the terms veterinarian, dentist, pharmacist shall be deemed to mean and shall refer only to persons who hold valid, unrevoked certificates to practice their respective professions in this state, issued by their respective examining boards in California. The term "physician," or "duly licensed physician," or "physician duly licensed to practice in this state," or "duly licensed physician licensed to practice and prescribe medicine in this state," or "practitioner of medicine," or "licensed physician," shall be deemed to mean and refer only to persons holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the board of medical examiners of the State of California or under the terms or provisions of any preceding medical practice act of the State of California.

Definitions.

SEC. 6. Section nine of said act, approved March 6, 1907, is hereby amended to read as follows: Stats. 1915, p. 1071.

Sec. 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 practice in this state, but this prohibition shall not apply to solution of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcoholic. All sales of carbolic acid (phenol) thus diluted so as to contain no more than ten per cent of carbolic acid (phenol) may be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulation as the poisons enumerated in schedule "A" as found in section seven. Sale of carbolic acid.

CHAPTER 613.

An act appropriating the sum of seventy-five thousand dollars to defray the expenses, during the seventy-first and seventy-second fiscal years, of organizing, controlling, equipping, instructing and maintaining high school cadet companies in the State of California, and for promoting rifle practice in said companies and to further carry out the purposes of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriat-

ing the sum of five thousand dollars therefor," approved April 5, 1911.

[Approved May 27, 1910. In effect July 27, 1910.]

The people of the State of California do enact as follows:

Appropriation: high school cadet companies.

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated from funds in the state treasury, not otherwise appropriated, to defray the expenses, during the seventy-first and seventy-second fiscal years, of organizing, controlling, instructing, equipping, and maintaining high school cadet companies in the State of California, and promoting rifle practice in said high school cadet companies, and to further carry out the purposes of an act of the legislature of the State of California entitled "An act to provide for the organization, control and equipment of high school cadet companies and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor," approved April 5, 1911.

CHAPTER 614.

An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of re-establishing the said school elsewhere.

[Approved May 27, 1910. In effect July 27, 1910.]

The people of the State of California do enact as follows:

Authorization for sale of property of Whittier State School.

SECTION 1. The board of trustees of the Whittier State School, subject to the approval of the state board of control, is hereby authorized and empowered to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, being part of the Rancho Paso de Bartolo Viejo, and part also of the southeast quarter of section twenty and the northwest quarter of section twenty-eight, township two south, range eleven west, San Bernardino base and meridian, containing in all two hundred four and three hundred eighty-nine thousandths acres more or less, and now used and occupied by the said school, and also that certain tract in the city of Whittier known as "the old reservoir site" which is more particularly described as follows: Commencing at the southwest corner of lot five in block "C" of Pickering Land and Water Company subdivision and running north parallel with Greenleaf avenue two hundred feet to a point; thence running east at right angles and parallel with Hadley street two hundred feet to a point; thence running south at right angles and

parallel with Greenleaf avenue two hundred feet to a point; thence running west at right angles two hundred feet to the place of beginning. Such sale shall be made only after said property shall have been appraised by three disinterested persons appointed by the board of trustees, and after publication for not less than thirty days in three newspapers of general circulation, published in the county of Los Angeles, which notice shall describe the property to be sold, and shall set forth the terms of sale, and the date on or before which bids therefor will be received, and where such bids will be received; and said board of trustees shall have the right to reject any and all bids, and call for new bids by like publication of notice.

The proceeds from such sale or sales shall be paid into the state treasury to the credit of the contingent fund of the Whittier State School, all or any part of which may be expended with the approval of the state board of control in the purchase of a new site for said school and for the making of improvements, and the erection of buildings thereon; *provided, however,* that the Whittier State School shall not be discontinued at its present location unless another location is secured for it elsewhere in the state. The said site shall be selected by a site selecting committee composed of the superintendent and trustees of the Whittier State School, the state engineer, a member named by the board of trustees of the Preston School of Industry and a member named by the state board of charities and corrections. The said committee, if they consider it advisable, and subject to the approval of the state board of control, may also purchase water rights, or make provision for the development of water for the use of said lands. The state department of engineering shall, at the request of the said committee, examine into the matter of water, light, power and sanitation and the engineering problems involved in connection with any site or sites the board may investigate with a view to purchasing and shall report thereon to the said committee with special regard to the suitability of such site or sites for the purposes of the institution.

Purchase of
new site.

The University of California shall render the said committee such reasonable assistance as the committee may desire in determining the quality and character of the soil of such site or sites for agricultural, horticultural and other purposes and its suitability for the purposes of the institution.

Assistance
from
University of
California.

The said committee, the said department of engineering, and the said university shall be entitled to receive their necessary expenses in connection with such investigations and the selection and purchase of said site.

Expenses
of investi-
gations.

The said committee may also prepare plans for the development for state school purposes of such property as may be purchased and for buildings to be erected thereon.

Plans for
development
of property
purchased.

CHAPTER 615.

An act to add three new sections to the Civil Code, to be numbered one hundred seventy-two b, one hundred seventy-two c, and one hundred seventy-two d, relative to the management, control and disposition of community property.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code to be numbered one hundred seventy-two b, and to read as follows:

Permit to
sell, etc.,
community
property of
husband or
wife insane.

172b. Where real property is held as community property, and either the husband or wife has been adjudged insane, the husband or wife not insane may petition the superior court of the county in which such community real property is situated for an order permitting the husband or wife, not insane, to sell and convey, mortgage or lease, such community real property to raise moneys to provide for the support and care either of the sane or insane spouse, or of their minor children, and also to raise moneys for the payment of the necessary taxes, interest and other charges incurred and required to be paid for the protection and preservation of the community estate. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane husband or wife; a description of the premises constituting the community real property petitioned to be sold, mortgaged, or leased; the value of same; the county in which it is situated; and such facts, in addition to the insanity of the husband or wife, relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

SEC. 2. A new section is hereby added to the Civil Code to be numbered one hundred seventy-two c, and to read as follows:

Notice of
application
for permit.

172c. Notice of the application for such order must be given by publication of the same, in a newspaper published in the county in which such community real property is situated, if there is a newspaper published therein, once each week for three successive weeks, prior to the hearing of such application, and a copy of such notice must also be personally served upon the nearest relative of such insane husband or wife, resident in this state, at least three weeks prior to such application; and in case there is no such relative known to the applicant, a copy of such notice must be so served upon the public administrator of the county in which such community real property is situated; and in such case it is the duty of such public administrator to appear and represent the interests of such insane person. For all such services rendered by the public administrator he must be allowed a reasonable fee, to be fixed by the

court, and the same must be taxed as costs against the person making application for the order herein provided for.

SEC. 3. A new section is hereby added to the Civil Code to be numbered one hundred seventy-two *d*, and to read as follows:

172*d*. If it appears to the court that such husband or wife has been adjudged insane, the court may make an order permitting the husband or wife, not insane, to sell and convey, or mortgage or lease such community real property, and thereafter any sale, conveyance, mortgage or lease, made in pursuance of such order is as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, mortgage or lease. If a sale is ordered it must be reported to and confirmed by the court.

Validity of
sale, etc.

CHAPTER 616.

An act regulating the appointment of the agents or employes of state banks and subsidiary corporations dominated or controlled by state banks as insurance agents and prohibiting the appointment of the agents or employes of state banks and subsidiary corporations dominated or controlled by state banks as general insurance agents or managerial agents or department managers of certain insurance companies.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any subsidiary corporation, agent or employee of any bank organized or existing under the laws of the State of California or the laws of any other state of the United States, or any person or corporation controlled or dominated by such bank to act as the general agent or managerial agent, or department manager, of any insurance company transacting business in the State of California.

Agents of
state banks
not to act
for insurance
company.

SEC. 2. It shall be unlawful for any insurance company transacting business in the State of California to engage, appoint, maintain or employ any subsidiary corporation, agent or employee of any bank or any person or corporation controlled or dominated by any bank, as the general agent or managerial agent or branch manager or department manager of such insurance company.

Insurance
company not
to appoint
agent of
bank.

SEC. 3. No subsidiary corporation dominated or controlled by any bank, or any agent or employees of such bank shall be permitted to act as the local agent of any insurance company, except as follows:

Application
to act as
local agent.

Such agent or employee of such bank or such subsidiary corporation dominated or controlled by such bank shall file

an application in writing with the insurance commissioner of the State of California, stating in said application that the applicant desires to become such insurance agent. Upon the filing of said application, the insurance commissioner of the State of California shall forthwith fix a time for the hearing of said application.

Hearing.

SEC. 4. If at the hearing of said petition the said insurance commissioner shall find that the appointment of applicant is not inimical to the best interests of the insured of the State of California, then he shall make a finding to that effect.

License.

Thereupon, the said insurance commissioner shall transmit such findings to the superintendent of banks of the State of California, and if the superintendent of banks of the State of California shall find that the granting of the license to such applicant is not inconsistent with the proper conduct of such bank, he may so find and thereupon transmit his findings to the state insurance commissioner, who shall thereupon grant to such applicant a license to act as local insurance agent.

Exceptions.

SEC. 5. Nothing in this act shall be construed to apply or to refer to or affect the appointment of any life insurance agents, or health and accident insurance agents, title insurance agents, or county mutual insurance agents and nothing in this act shall be construed to apply or refer to or affect the appointment of any insurance agent in or for a place, the population of which does not exceed five thousand persons, as shown by the last preceding federal census or any subsequent census compiled and certified under any laws of this state.

Suspension
of certificate
of authority.

SEC. 6. When any insurance company shall violate the provisions of this act, the said insurance commissioner shall have the power to suspend the certificate of authority of such insurance company for a period not to exceed one year.

Penalty.

SEC. 7. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 617.

An act to add a new section to the Penal Code to be numbered six hundred twenty-six and one-half, relating to wild game.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered six hundred twenty-six and one-half, and to read as follows:

Protection
of growing
crops from
wild ducks,
etc.

626½. In any fish and game district in the state in which are growing crops of rice or grain which are being destroyed by wild ducks, wild geese or mudhens, it shall be lawful for

the owner or any bona fide employee of the owner of such crops, at any time between the fifteenth day of September and the first day of February of the following year, to shoot such wild ducks, wild geese or mudhens on the lands on which said crops are situated, at such times and in such numbers as may be necessary to protect said growing crops, notwithstanding any law now in effect to the contrary; *provided*, that the owner of such crops shall have first obtained from the proper department of the federal government a license or permit to shoot such wild ducks, wild geese or mudhens when such a license or permit may be required.

CHAPTER 618.

An act appropriating the sum of three hundred and fifty thousand dollars for the construction, erection, equipment and furnishing of a state building or buildings at San Francisco.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred and fifty thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the construction, erection, equipment and furnishing of a building or buildings in the city and county of San Francisco and for the improvement of the grounds thereof, for the use and occupancy of the officers and departments of the state government of the State of California, located in said city and county. This appropriation is in addition and supplemental to the funds heretofore provided for that purpose by the sale of bonds of the State of California, as provided in that certain act known as the "San Francisco State Building Act" approved June 7, 1913. The amount herein appropriated shall become available July 1, 1921.

Appropriation: state building in San Francisco.

SEC. 2. There shall be collected in the fiscal year ending June 30, 1922, and at the same time as other state revenue is collected, such a sum as may be necessary to provide the amount hereby appropriated, and all officers charged by law with any duty in regard to the collection of said revenue are hereby required and obligated to do and perform each and every act and thing which shall be necessary to collect such additional sum.

Collection of sum.

CHAPTER 619.

An act appropriating the sum of three hundred thousand dollars for the erection and equipment of state buildings in the city of Sacramento for state purposes.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: capitol extension buildings.

SECTION 1. The sum of three hundred thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the erection and equipment of state buildings in the city of Sacramento for state purposes. This appropriation is in addition and supplemental to the funds heretofore provided for that purpose by an act entitled "An act to provide for the issuance and sale of state bonds to be known as 'state building bonds,' to provide a fund for the erection and equipment of state buildings in the city of Sacramento for state purposes, creating a commission to determine the amount to be expended for furnishing and equipping said buildings and accepting a suitable site, creating a sinking and interest fund for the payment of interest on said bonds and the redemption of the same, making an appropriation therefor, making an appropriation of five thousand dollars for the expenses of printing and lithographing said bonds and providing for the submission of this act to a vote of the people," approved June 5, 1913. The amount herein appropriated shall become available one-third on July 1, 1921, one-third on July 1, 1922, and one-third on July 1, 1923.

Collection of sum.

SEC. 2. There shall be collected in the fiscal years ending June 30, 1922, June 30, 1923, and June 30, 1924, and at the same time as other state revenue is collected, such a sum as may be necessary to provide the amount hereby appropriated, and all officers charged by law with any duty in regard to the collection of said revenue are hereby required and obligated to do and perform each and every act and thing which shall be necessary to collect such additional sum.

CHAPTER 620.

An act making a reappropriation of unexpended funds for support, maintenance and equipment of the college of agriculture of the University of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: University of California college of agriculture.

SECTION 1. There is hereby reappropriated for support, maintenance and equipment of the college of agriculture of the University of California the balance remaining unexpended upon the expiration of the thirtieth day of June, 1919, of the

sum of eight hundred seventy-five thousand dollars appropriated for support, maintenance and equipment of the college of agriculture of the University of California by the act entitled "An act making appropriations for the support of the government of the State of California for the sixty-ninth and seventieth fiscal years," approved May 14, 1917.

CHAPTER 621.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven c, relating to the salary of superior judges.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven c and to read as follows:

737c. The annual salary of the judge of the superior court of the county of Ventura is five thousand dollars per annum, one-half of which shall be paid by the state and the other half thereof by the county in which the judge is elected or appointed.

Salary of
superior
judge of
Ventura
county.

CHAPTER 622.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-seven h, relating to salaries of superior judges in Orange county.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

737h. The annual salaries of the judges of the superior court in the county of Orange are five thousand dollars each, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected.

Salaries of
superior
judges in
Orange
county.

CHAPTER 623.

An act to add a new section to the Political Code to be numbered seven hundred thirty-eight a, relating to the salaries of superior judges.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-eight a, and to read as follows:

Salaries of superior judges in Lassen and Plumas counties.

738a. The annual salaries of the judges of the superior court of the county of Lassen are four thousand two hundred dollars and of the county of Plumas four thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed.

CHAPTER 624.

An act appropriating money for the construction and furnishing of a cottage for inmates at the Sonoma State Home.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: cottage at Sonoma State Home.

SECTION 1. The sum of twenty-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and furnishing of a cottage for inmates at the Sonoma State Home.

CHAPTER 625.

An act providing for a county engineer for each county in this state, providing for his appointment, manner of removal, qualifications, compensation and duties; transferring to such engineer certain powers, functions and duties heretofore vested in and performed by county surveyors and members of the board of supervisors; also authorizing the board of supervisors for each county to purchase and obtain all necessary equipment, materials and instrumentalities to carry out the objects of this act; to

provide said county engineer with an office and necessary assistants; to provide for abolishing the office of county surveyor and for the fixing and levying of taxes for road purposes.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The board of supervisors of any county at their option may appoint, and upon petition therefor signed by qualified electors of the county equaling in number not less than twenty-five per cent of the total vote cast in the county for governor at the last preceding election at which a governor was elected, they must appoint a competent civil engineer who has had within five years last past, not less than one year's actual experience in practical road building as county engineer, who shall be deemed an employe and not a county officer. The county engineer shall, under the general direction and supervision of the board of supervisors and except as otherwise provided in this act, have complete direction and control over all of the construction, improvement, maintenance and repair of county roads, highways and bridges. Appointment of county engineer.

SEC. 2. The county engineer shall hold his employment for Term. the term of four years from the date of his appointment; *provided*, that he may be removed at any time by the board of supervisors for inefficiency, neglect of duty, malfeasance or misconduct in office, or other good cause shown, upon written charges to be filed with and heard by the board of supervisors and sustained by a three-fifths vote of said board after a hearing as herein provided. Said board is hereby vested with the power to administer oaths, compel the attendance of witnesses and the production of books, papers and testimony. A copy of such charges shall be personally served upon said county engineer and he shall be given not less than ten days' time in which to file a written answer to the charges, and if it appears to the satisfaction of such board that the charges have been substantiated, the said board shall so notify said county engineer by mail, and such notice shall specifically state the findings and judgment of said board, and the board of supervisors of such county must thereupon forthwith remove such county engineer from office and shall immediately appoint his successor in the manner provided in section two of this act. Prior to entering upon the duties of his employment the county engineer shall file with the county clerk the oath of office as prescribed for the county officers and a bond conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court, in the sum of five thousand dollars.

SEC. 3. The salary of the county engineer shall be fixed Salary. by the board of supervisors, and said salary, together with

the compensation of said engineer's assistants, shall be paid monthly out of the county treasury of the county in which he is appointed and in the same manner as county officers. The county engineer shall also be allowed from the county treasury his actual traveling and other necessary expenses incurred in the performance of the duties of his employment, and shall be a charge against the general fund. The salary of the county engineer in the several counties shall be fixed by the board of supervisors of said county; *provided, however,* that the compensation of county engineer in any county shall be not less than the compensation received by the county surveyor of that county at the time said county engineer is first appointed.

Ex officio
road com-
missioner.

SEC. 4. The county engineer shall be ex officio road commissioner of and for each and every road district of his county, and, subject to the control and supervision of the board of supervisors as herein provided, shall have and exercise the powers and duties hereinafter set forth and specified, and such duties as may hereafter be provided by law.

Duties.

SEC. 5. The county engineer shall:

(a) Make, or cause to be made, all surveys, maps, plans, specifications and estimates necessary or required for the construction, improvement, maintenance and repair of the county roads, highways and bridges, and shall, from and after the first Monday in September, 1919, have and exercise all the powers and duties, and perform all the functions which are now by law conferred or imposed upon county surveyors, except as herein otherwise provided.

(b) Examine and inspect, or cause to be examined and inspected, the work performed on such roads, highways and bridges, and report to the board of supervisors whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(c) Approve and certify to the progress estimates and allowances for work performed under all contracts for the construction, improvement, maintenance, or repair of county roads, highways and bridges.

(d) Inspect, or cause to be inspected, all county roads, highways and bridges within the county, and keep such roads, highways and bridges clear from obstructions, and when authorized by the board of supervisors he may employ all men, teams and equipment necessary to keep such roads in good repair when the same is not let by contract, and report to the board of supervisors with respect to such inspection and such work from time to time as said board shall require; and certify to the correctness of all pay rolls for work done by day labor or force account on county roads, highways and bridges.

(e) Have control and management under the general supervision of the board of supervisors of all county rock quarries, oil pits and depots, gravel pits and all materials, property,

implements, instruments, tools, machinery and other appur-^{Duties.}tenances necessary for the construction, improvement, maintenance and repair of county roads, highways and bridges, and shall be the custodian of the plans therefor.

(f) He may also hold and perform the duties of the office of county surveyor, but in all such cases no salary or other compensation shall be paid to him as county surveyor. He shall not be interested either directly or indirectly in any contracts within his jurisdiction, nor shall he be interested in the purchase of materials, supplies or equipment of any kind used in connection with the performance of his duties under the provisions of this act.

(g) Prepare annually a budget showing in detail the needs of the county for construction, improvement, maintenance or repair of county roads, highways and bridges for the ensuing year, and submit the same to the county auditor and board of supervisors at least sixty days prior to the date of the meeting at which the board of supervisors is required to fix the county tax rate and levy the county taxes.

(h) Make a written report to the board of supervisors at their first regular meeting of each month, and in it he shall state the amount and character of work done, during the preceding month, the progress of any contracts under way, approximate cost of the work and matters pertaining to the public roads, highways, streets and bridges or other public works, which, in his judgment, should be brought to their attention. This report shall contain the recommendation of acceptance or rejection of any public work completed, and all official announcements or statements which the engineer is required to make to the board. The size and form of these reports shall be uniform and upon blanks supplied by the state engineer and a copy shall be filed, one in the office of the board of supervisors and another in the office of the county engineer.

(i) On or before the first day of July of each year, file with the board of supervisors a complete report of the work of the preceding year, which report shall be in the form required and contain the information desired and requested by the state engineer and upon blank forms supplied by him. A copy of said report shall also be filed in the office of the board of supervisors.

(j) Perform such other duties pertaining to the construction, improvement, maintenance or repair of county roads, highways and bridges as the board of supervisors may prescribe.

Sec. 6. The board of supervisors shall provide by ordinance or resolution for the employment, when necessary, of additional field and office help by said county engineer, and shall prescribe the compensation to be paid to all persons so employed, for the time during which they may be actually engaged in the service of the county and for their actual necessary expenses incurred in the performance of their duty.

Employment
of addi-
tional help.

Office accom-
modations.

SEC. 7. The board of supervisors shall provide and assign to the county engineer and his assistants a suitable office or offices in the court house, or in some place conveniently located with reference thereto with all necessary instruments, tools, implements, stationery and supplies.

Requisition
for supplies.

SEC. 8. The county engineer shall make requisition upon the board of supervisors for the purchase of all tools, implements, machinery, materials and supplies required to carry out the intent of this act, and said requisition shall state plainly the estimated cost of the article or articles to be purchased. He shall approve all claims for the same before such claims are audited and passed by the board of supervisors. He shall be the custodian and be responsible for all equipment under his control. All such property shall be stored and protected from the weather when not in use. An inventory of all property in his custody shall be made annually and kept on file in the office of the county engineer.

Certificate
of approval
of contract
work.

SEC. 9. Upon the completion of work done for the county on its roads, highways, streets, bridges and aqueducts, or in connection with the same, the county engineer must examine the same and if completed in accordance with the specifications thereof, he must submit to the board of supervisors a certificate over his signature and official seal to the effect that such work by the contractors thereof has been completed in accordance with the specifications thereof and recommending its acceptance. The board shall thereupon audit the same and direct its payment out of the proper fund or funds.

Purchase
of material
from state.

SEC. 10. Whenever the state department of engineering has authority to sell equipment, materials or supplies for road building, repairs or maintenance and a saving may be made to a county by purchasing from said department, the board of supervisors upon the recommendation of the county engineer may purchase such equipment, materials or supplies from the state.

County
survey or
replaced
by county
engineer.

SEC. 11. The office of county surveyor of any county shall be and is hereby abolished upon the occurrence of any of the following conditions:

(a) Upon the appointment as county engineer of the person who holds the office of county surveyor at the time such appointment is made and the acceptance of such appointment by the county surveyor; or

(b) In other cases, upon the expiration of the term of the person who holds the office of county surveyor at the time the appointment of county engineer is made; *provided*, that if such appointment is made within six months of the expiration of the then current term of county surveyor, the office of surveyor in such county shall be and is hereby abolished upon the expiration of the next succeeding term.

Does not
limit
powers of
supervisors.

SEC. 12. Nothing herein contained shall be held, deemed or construed to prevent members of boards of supervisors from visiting and inspecting work in progress within the county

or from receiving for such services the mileage now allowed by law.

SEC. 13. This act shall be known as and when cited or amended may be designated as "the county engineer act."

CHAPTER 626.

An act to provide one additional judge of the superior court in the county of Imperial.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The number of judges of the superior court of the State of California for the county of Imperial is hereby increased from one to two.

SEC. 2. Within thirty days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the county of Imperial, State of California, who shall hold office until the first Monday after the first day of January, A. D. 1921. At the general election to be held in November, 1920, a judge of the superior court of said county shall be elected in said county, who shall be the successor of the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

Additional
superior
judge in
Imperial
county.

CHAPTER 627.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven b, relating to salaries of superior judges in Imperial county.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven b, and to read as follows:

737b. The annual salaries of the judges of the superior court in the county of Imperial are four thousand dollars, one-half of which shall be paid by the state, and the other half thereof by the county for which the judges are elected or appointed. The provisions of this section shall not apply to the present incumbent during his present term of office.

Salaries of
superior
judges of
Imperial
county.

CHAPTER 628.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven n, relating to salary of superior judges.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven n and to read as follows:

Salary of
superior
judge in
Butte
county.

737n. The annual salary of the judge of the superior court of the county of Butte, five thousand dollars; one-half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed.

CHAPTER 629.

An act appropriating money for the construction of buildings at the Whittier State School.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation:
buildings at
Whittier
State School.

SECTION 1. The sum of sixty-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 to be used in accordance with law for the construction of buildings at the Whittier State School.

CHAPTER 630.

An act to amend section twenty-two of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory

thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913; said amendments relating to the treatment of the sick and afflicted by students in schools and by internes in hospitals.

[Approved May 27, 1910. In effect July 27, 1910.]

The people of the State of California do enact as follows:

Stats. 1913,
'082 'd

SECTION 1. Section twenty-two of "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, is hereby amended to read as follows:

Sec. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this state, if such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides; *provided*, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery, or any other treatment, nor to regulate, prohibit or to apply to, any kind of treatment by prayer, nor to interfere in any way with the practice of religion. Nothing in this act shall be construed to prevent a student regularly matriculated in any legally chartered school or schools approved by the board from treating without compensation to such student the sick or afflicted as a part of his course of study.

To whom
act is not
applicable.

CHAPTER 631.

An act to amend section nineteen b, of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended by an act approved May 28, 1917.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 1242.

SECTION 1. Section nineteen b of the act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended by an act approved May 28, 1917, is hereby amended to read as follows:

19b. In counties or cities and counties of the second class there shall be one probation officer and nine assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two hundred fifty dollars per month; one assistant probation officer, two hundred dollars per month, and eight assistant probation officers, one hundred forty dollars per month each.

Probation officers in cities and counties of 2d class.

CHAPTER 632.

An act to amend an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, by adding thereto a new section to be numbered ten and one-half.

[Approved May 27, 1910. In effect July 27, 1910.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, is hereby amended by adding a new section thereto, to be numbered ten and one-half, and to read as follows:

Stats. 1913, p. 722.

Sec. 10½. The board must approve every school which shall comply with the requirements of section ten of this act and must admit to the examination every applicant who shall comply with the requirements of sections nine and ten of this act. Nothing in this act shall prohibit the board from considering the quality of the course of instruction outlined in

Board must approve schools meeting requirements.

Action in
event of
disapproval.

section ten hereof. If any school should be disapproved by the board or any applicant for examination rejected by it, then such school so disapproved or such applicant so rejected may commence an action in the superior court against said board to compel the board to approve such school or to admit such applicant to examination or for any other appropriate relief. In any such action, the court shall have full power to investigate and decide all facts anew without regard to any previous determination of the board thereon. Such action shall be speedily determined by said court and shall take precedence over all matters pending therein save and except criminal cases, applications for injunction or other matters to which special precedence may be given by law.

CHAPTER 633.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven o, relating to salary of superior judges.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven o and to read as follows:

Salary of
superior
judge of
Inyo county.

737o. The annual salary of the judge of the superior court in the county of Inyo is four thousand dollars; one-half of which shall be paid by the state and the other half thereof by the county in which the judge is elected or appointed.

CHAPTER 634.

An act to add a new section to the Political Code to be numbered seven hundred thirty-eight c, relating to salaries of superior judges in Monterey county.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-eight c and to read as follows:

Salaries of
superior
judges of
Monterey
county.

738c. The annual salaries of the judges of the superior court in the county of Monterey are five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected.

CHAPTER 635.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven e, relating to the salary of superior judges.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven e and to read as follows:

737e. The annual salary of each of the judges of the superior court of the county of San Mateo is five thousand dollars, one-half of which shall be paid by the state and the other one-half thereof by the county in which the judge is elected or appointed.

Salary of superior judge of San Mateo county.

CHAPTER 636.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven g, relating to salaries of superior judges in Santa Cruz county.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven g and to read as follows:

737g. The annual salaries of the judges of the superior court in the county of Santa Cruz are five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected.

Salaries of superior judges in Santa Cruz county.

CHAPTER 637.

An act making an appropriation to carry out the provisions of an act entitled "An act to establish a nautical school at the port of San Francisco, to provide for the conduct and maintenance thereof, to make an appropriation therefor, and to authorize the governor to request and to receive aid from the United States in compliance with the provisions of an act of congress approved March 4, 1911," approved May 14, 1917.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. An amount equal to the unexpended balance of the moneys appropriated by an act entitled "An act to establish a nautical school at the port of San Francisco, to provide

Appropriation: nautical school at San Francisco.

for the conduct and maintenance thereof, to make an appropriation therefor, and to authorize the governor to request and to receive aid from the United States in compliance with the provisions of an act of congress approved March 4, 1911," approved May 14, 1917, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used for the purpose of carrying out the provisions of said act.

CHAPTER 638.

An act to add a new section to the Penal Code to be numbered four hundred ninety-six a, relative to the purchase of certain materials by junk dealers.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered four hundred ninety-six a and to read as follows:

Purchase of
wire, etc.,
by junk
dealers.

496a. Every person who, being a dealer in or collector of junk, metals or second-hand materials, or the agent, employee, or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, iron or brass used by or belonging to a railroad or other transportation, telephone, telegraph, gas or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property, and is punishable, by imprisonment in a state prison for not more than five years, or in a county jail for not more than one year, or by a fine of not more than two hundred fifty dollars, or by both such fine and imprisonment.

CHAPTER 639.

An act to add a new section to the Political Code to be numbered four thousand two hundred thirty-six a, relating to the mileage and per diem of jurors in counties of the seventh class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered four thousand two hundred thirty-six a, and to read as follows:

4236a. In counties of the seventh class trial jurors in all criminal cases tried in the superior court and grand jurors shall receive three dollars per day for each day's attendance while engaged in the performance of the duties required of them; and in addition thereto shall receive for each mile actually traveled, in going only, while acting as such juror fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

Jurors' fees
in counties
of 7th class.

CHAPTER 640.

An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the twenty-seventh class.

[Approved May 27, 1919. In effect—See section 17.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-six of the Political Code is hereby amended to read as follows:

4256. In counties of the twenty-seventh class, the officers, their clerks, deputies, stenographers and assistants, shall receive, as compensation for the services required of them by law or by virtue of their offices or appointments the following salaries, to wit:

Counties of
27th class.
salaries of
officers.

1. The county clerk, three thousand six hundred dollars per annum and such fees as are now or may hereafter be allowed by law; *and provided*, that in counties of this class, there shall be, and is hereby allowed to the county clerk one deputy who shall be appointed by said county clerk, who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy, who shall be appointed by said county clerk, and who shall be paid a salary of one thousand two hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a registration of voters is required by law, the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk.

County
clerk.

- Sheriff. 2. The sheriff, five thousand five hundred dollars per annum.
- Recorder. 3. The recorder, two thousand dollars per annum and six cents for each folio recorded.
- Auditor. 4. The auditor, two thousand four hundred dollars per annum, and he may also appoint a deputy, which office of deputy auditor is hereby created, whose salary shall be one thousand five hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salaries of other county officers are paid.
- Treasurer. 5. The treasurer, two thousand seven hundred dollars per annum.
- Tax collector. 6. The tax collector, two thousand dollars per annum; *and provided*, that in counties of this class, there shall be, and is hereby allowed to the tax collector a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one thousand two hundred dollars per annum, which said salary shall be paid at the same time, in the same manner, and out of the same fund as the salaries of other county officers are paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy for the period of time embraced between the first day of October and the thirty-first day of December in each fiscal year, which said deputy shall be appointed by said tax collector, and shall be paid a salary of seventy-five dollars per month during the period of time said deputy shall be employed and which salary shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.
- Assessor. 7. The assessor, four thousand dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class there shall be and there is hereby allowed the assessor, a deputy, who shall be appointed by said assessor and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of county officers are paid; *provided, further*, that in counties of this class there shall be and there is hereby allowed the assessor, two copyists for a period not exceeding four months in any one year, at a salary of sixty dollars each per month.
- District attorney. 8. The district attorney, two thousand seven hundred fifty dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be sixteen hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office of clerk to the district attorney is hereby created, whose salary shall be twelve hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, two thousand 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. Superintendent of schools.

12. The surveyor, one thousand five hundred dollars per annum, for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, one hundred fifty dollars per month; in townships having a population of more than two thousand five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than two thousand five hundred, thirty-five dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of two thousand five hundred or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendment thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business. Justices of peace.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred dollars per month; in townships having a population of more than two thousand five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than two thousand Constables.

Constables. five hundred, thirty-five dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest in the service of process five cents per mile, and for transporting persons to the county jail ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law.

Supervisors. 15. Each member of the board of supervisors, one thousand two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county, also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; *provided*, that the amount so allowed and paid shall not exceed the sum of seventy-five dollars in any one month.

Official reporter. 16. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive five dollars per day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section two hundred seventy-one of the Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases.

Time when act becomes operative. 17. It is intended by this amendment that the increase of compensation hereby made for the district attorney and for each of the offices of the several members of the board of supervisors in counties of this class shall become operative as to each of said offices only upon expiration of its current term; but the provisions herein made for expenses of each member of such boards of supervisors and also the provisions increasing the salary of the deputy of the county clerk and the salary

of the deputy of the assessor and the salary of the assessor's copyists and the salary of the assistant district attorney and the salary of the clerk to the district attorney shall become operative at the expiration of ninety days after the final adjournment of the present session of this legislature.

CHAPTER 641.

An act to amend section four thousand two hundred sixty-one of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-one 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 their services required of them by law, or by virtue of their office, the following salary or fees, to wit: Counties of 32d class, salaries of officers.

1. The county clerk, two thousand five hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, and one deputy at a salary of one thousand dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid; *provided, further, however*, that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided, further*, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of the other county officers are paid. County clerk.

2. The sheriff, three thousand dollars per annum and all fees for the service of process issued without his county. He shall have one jailer at a salary of one hundred dollars per month, one bailiff at a salary of one hundred dollars per month, and one deputy at a salary of one hundred dollars per month, which office is hereby created, the salary of said jailer, bailiff and deputy payable monthly in the same manner as the salaries of the other county officers are paid. Sheriff.

3. The recorder, two thousand dollars per annum, and one copyist at a salary of one thousand two hundred dollars per annum, which office of copyist is hereby created, and one copyist at a salary of one thousand two hundred dollars per annum, which office of copyist is hereby created, the salary of said Recorder.

copyist payable monthly in the same manner as the salaries of other county officers are paid.

Auditor.

4. The auditor, two thousand dollars per annum and one deputy at a salary of one thousand two hundred dollars per annum, which office of deputy auditor is hereby created, the salary of said deputy payable monthly in the same manner as the salaries of other county officers are paid.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax collector.

6. The tax collector, two thousand five hundred dollars per annum, and one deputy at a salary of one hundred dollars per month; one copyist for four months beginning August fifteenth, ending December fifteenth at one hundred dollars per month; one copyist for two months beginning October fifteenth ending December fifteenth at one hundred dollars per month; which offices of deputy tax collector and copyists are hereby created, the salary of said deputy and copyists payable monthly in the same manner as the salaries of other county officers are paid.

Assessor.

7. The assessor, four thousand five hundred dollars per annum; one chief deputy, which office of chief deputy assessor, is hereby created, at a salary of one thousand five hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; one copyist for a period of four months in each year, which office of copyist is hereby created, at a salary of one hundred dollars per month, payable during the months of March, April, May and June of each year, in the same manner as the salaries of other county officers are paid. The assessor may also appoint such number of additional deputies as he shall deem necessary, the salaries of such additional deputies to be paid by the assessor out of his salary above provided for. All sums collected by the assessor or his deputies as fees or commissions allowed by law for the collection of personal property taxes, for making the military roll and for commissions now or hereafter allowed by law for the collection of poll taxes, shall be paid into the county treasury, for the use of said county, monthly as collected, with a statement of account of such collection.

District attorney.

8. The district attorney, two thousand dollars per annum; one stenographer at a salary of nine hundred dollars per annum, which office of stenographer is hereby created, the salary of said stenographer payable monthly in the same manner as the salaries of other county officers are paid.

Coroner.

9. The coroner, such fees as are now, or may be hereafter provided by law.

Public administrator.

10. The public administrator, such fees as are now, or may be hereafter provided by law.

Superintendent of schools.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and one clerk, which office of clerk to the superintendent of schools is hereby created, at a salary of one thousand two hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid.

12. The surveyor, such fees as are now, or may be hereafter Surveyor. provided by law.

13. Supervisors, each the sum of eight hundred dollars per Supervisors. annum in full for all services performed by them as supervisors, and as members of the board of equalization, and road commissioners, and in any and every capacity.

14. Justices of the peace shall receive the following monthly Justices of peace. salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them. In townships having a population of more than six thousand, one hundred dollars per month; in townships having a population of less than six thousand and more than three thousand, seventy-five dollars per month; in townships having a population of less than three thousand and more than seven hundred fifty, forty-five dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. It is hereby found as a fact that the salaries provided for this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Constables shall receive the following monthly salaries, to Constables. be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than six thousand, one hundred dollars per month; in townships having a population of less than six thousand and over three thousand, seventy-five dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. The constables may retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law.

4261a. In counties of the thirty-second class, grand jurors Jurors. and trial jurors in the superior court, in criminal cases, shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, ten cents, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasury in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

CHAPTER 642.

An act to amend section two of an act entitled "An act authorizing the board of Sutter's Fort trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener," approved March 21, 1907, as amended.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1911,
p. 1148.

SECTION 1. Section two of an act entitled "An act authorizing the board of Sutter's Fort trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener," approved March 21, 1907, as amended, is hereby amended to read as follows:

Salary of
gardener at
Sutter's
Fort.

SEC. 2. The gardener provided for in section one of this act shall receive an annual salary of one thousand three hundred twenty dollars to be paid at the same time and in the same manner as other state officers.

CHAPTER 643.

An act to amend section two of an act entitled "An act providing for an assistant gardener for Sutter's Fort," approved April 14, 1909.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1909,
p. 593.

SECTION 1. Section two of an act entitled "An act providing for an assistant gardener for Sutter's Fort," approved April 14, 1909, is hereby amended to read as follows:

Salary of
assistant
gardener at
Sutter's
Fort.

SEC. 2. The assistant gardener shall receive an annual salary of one thousand two hundred dollars, to be paid at the same time and in the same manner as other state officers.

CHAPTER 644.

An act to amend section three 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, as amended.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1909,
p. 581.

SECTION 1. Section three 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, as amended, is hereby amended to read as follows:

Sec. 3. The guardian shall receive an annual salary of one thousand eighty dollars, to be paid at the same time and in the same manner as other state officers.

Salary of guardian at Sutter's Fort.

CHAPTER 645.

An act making appropriations for the support of the government of the State of California for the seventy-first and seventy-second fiscal years.

[Approved May 27, 1919, except as to certain items listed in statement dated May 27, printed at end of chapter. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated for the support of the government of the State of California for the seventy-first and seventy-second fiscal years; *provided*, that in all cases in which statutory provision has already been made for salaries or for other regular annual appropriations, the amounts herein appropriated shall be deemed to be the same amount appropriated by such statutes and not additional thereto:

General appropriations.

LEGISLATIVE DEPARTMENT.

For salaries of senators, forty thousand dollars.

Legislative department.

For mileage of lieutenant governor and senators, four thousand four hundred dollars.

For pay of officers, clerks and all other employees of the senate, fifty thousand dollars.

For contingent expenses of senate, fifteen thousand dollars.

For salaries of assemblymen, eighty thousand dollars.

For mileage of assemblymen, seven thousand five hundred dollars.

For pay of officers, clerks and all other employees of assembly, fifty thousand dollars.

For contingent expenses of the assembly, eighteen thousand dollars.

For printing, binding and all other work performed and materials furnished by the state printing office to the legislature, eighty-five thousand dollars.

JUDICIAL DEPARTMENT.

For salaries of justices of supreme court, one hundred twelve thousand dollars.

Judicial department.

For salaries of two secretaries supreme court, nine thousand six hundred dollars.

Judicial
department.

For salary of reporter of decisions of supreme court and district courts of appeal, five thousand dollars.

For salaries of three assistant reporters of decisions of supreme court and district courts of appeal, nine thousand six hundred dollars.

For salary of librarian of supreme court, three thousand dollars.

For salaries of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of two bailiffs of supreme court, seven thousand two hundred dollars.

For expenses of supreme court under section forty-seven, Code of Civil Procedure, sixty-four thousand eight hundred dollars.

For postage and contingent expenses of the supreme court, three hundred dollars.

For salary of clerk of supreme court, ten thousand dollars.

For salary of chief deputy clerk of supreme court, five thousand four hundred dollars.

For salaries of six deputy clerks of supreme court, twenty-five thousand two hundred dollars.

For salary of stenographer to clerk of supreme court, three thousand dollars.

For salary of porter for office of clerk of supreme court at Sacramento, two thousand one hundred sixty dollars.

For postage and contingent expenses of clerk of supreme court, four thousand dollars.

For printing, etc., clerk of supreme court, two thousand five hundred dollars.

For salaries of six additional justices of divisions two of first and second district courts of appeal, eighty-four thousand dollars.

For salaries of justices of district courts of appeal, one hundred twenty-six thousand dollars.

For salaries of three clerks of district courts of appeal, sixteen thousand two hundred dollars.

For salaries of three deputy clerks of district courts of appeal, twelve thousand dollars.

For salaries of three phonographic reporters of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of three bailiffs of district courts of appeal, nine thousand six hundred dollars.

For pay of two porters, first and second district courts of appeal, four thousand three hundred twenty dollars.

For pay of one porter, third district court of appeal, two thousand one hundred sixty dollars.

For postage and contingent expenses of clerks of district courts of appeal, one-third to each, four thousand five hundred dollars.

For printing, etc., clerks of district courts of appeal (one-third to each), three thousand dollars.

For salaries of secretaries for justices (one-third for each), Judicial department.
eighteen thousand dollars.

For state's portion of salaries of judges of superior courts, five hundred seventy-eight thousand dollars.

For salaries officers and employees division two of first district court of appeal, twenty thousand six hundred forty dollars.

For salaries officers and employees division two of second district court of appeal, eleven thousand three hundred sixty dollars.

For postage, and contingent expenses of clerks of divisions two of first and second district courts of appeal (one-half to each), one thousand five hundred dollars.

For printing, etc., clerks of divisions two of first and second district courts of appeal (one-half to each), two thousand dollars.

For rent for quarters of division two of first district court of appeal, two thousand nine hundred four dollars.

For furniture and equipment division two of first district court of appeal, five hundred dollars.

For furniture and equipment division two of second district court of appeal, two thousand dollars.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENT.

Executive and administrative department.

For salary of governor, twenty thousand dollars.

For salary of private secretary to governor, ten thousand dollars.

For salary of executive secretary to governor, seven thousand two hundred dollars.

For salary of stenographer to governor, four thousand dollars.

For salary of messenger to governor, three thousand dollars.

For postage, etc., traveling and contingent expenses, governor's office (exempt from section six hundred seventy-two of the Political Code), eighteen thousand four hundred dollars.

For special contingent expenses (secret service), governor's office (exempt from provisions of section four hundred thirty-three and six hundred seventy-two of Political Code), ten thousand dollars.

For printing, etc., governor's office, one thousand five hundred dollars.

For support of governor's residence (exempt from sections four hundred thirty-three and six hundred seventy-two of Political Code), seventeen thousand five hundred dollars.

LIEUTENANT GOVERNOR.

Lieutenant governor.

For salary of lieutenant governor, eight thousand dollars.

Board of
control.

STATE BOARD OF CONTROL.

For salary of members state board of control, thirty thousand dollars.

For salary of secretary to state board of control, seven thousand two hundred dollars.

For salaries of three clerks, ten thousand eight hundred dollars.

For salaries of two stenographers, six thousand dollars.

For salary of messenger, one thousand eight hundred dollars.

For salary of superintendent of accounts, seven thousand two hundred dollars.

For salaries of two assistant superintendents of accounts, ten thousand eight hundred dollars.

For support and maintenance of state board of control, including traveling and contingent expenses, one hundred eighty-two thousand dollars.

Secretary
of state.

SECRETARY OF STATE'S OFFICE.

For salary of secretary of state, ten thousand dollars.

For salary of deputy secretary of state, six thousand dollars.

For salary of bookkeeper, office secretary of state, four thousand eight hundred dollars.

For salary of corporation secretary, office secretary of state, five thousand six hundred dollars.

For salary of statistician, office secretary of state, four thousand eight hundred dollars.

For salary of keeper of archives, office secretary of state, four thousand dollars.

For salary of one recording clerk, office secretary of state, three thousand six hundred dollars.

For salaries of five recording clerks, office secretary of state, sixteen thousand dollars.

For salary of one register clerk, three thousand six hundred dollars.

For salaries of two certificate clerks, office of secretary of state, six thousand four hundred dollars.

For salary of messenger, office secretary of state, one thousand eight hundred dollars.

For salary of porter, office secretary of state, one thousand four hundred forty dollars.

For salaries of two special legislative clerks, office secretary of state, one thousand dollars.

For postage, expressage and telegraphing, office secretary of state (exempt from section four of this act), eleven thousand dollars.

For contingent and traveling expenses, office secretary of state, two thousand five hundred dollars.

For printing, etc., secretary of state (exempt from section four of this act), eleven thousand dollars.

For salary of superintendent and cashier, corporation license department, four thousand eight hundred dollars.

For salaries of two clerks, corporation license department, seven thousand two hundred dollars.

For salaries of four clerks, corporation license department, twelve thousand eight hundred dollars.

For pay of porter, corporation license department, seven hundred twenty dollars.

For pay of messenger, corporation license department, one thousand two hundred dollars.

For printing and compiling roster, one thousand dollars.

CONTROLLER'S OFFICE.

Controller.

For salary of controller, ten thousand dollars.

For salary of deputy controller, six thousand dollars.

For salary of bookkeeper, controller's office, four thousand eight hundred dollars.

For salary of expert, controller's office, four thousand dollars.

For salary of four clerks, controller's office, fourteen thousand four hundred dollars.

For salaries of five clerks, controller's office, sixteen thousand dollars.

For salary of statistician, controller's office, four thousand eight hundred dollars.

For salary of warrant registrar, controller's office, four thousand eight hundred dollars.

For salary of stenographer, controller's office, two thousand four hundred dollars.

For salary of stenographer, controller's office, three thousand dollars.

For pay of porter, controller's office, one thousand four hundred forty dollars.

For contingent and traveling expenses, controller's office, twenty thousand dollars.

For expenses of collecting, compiling and printing county and municipal statistics, three thousand two hundred fifty dollars.

For printing, etc., controller's office, five thousand dollars.

For salary of inheritance tax attorney, seven thousand two hundred dollars.

For salaries of two assistant inheritance tax attorneys, fourteen thousand four hundred dollars.

For salary of one assistant inheritance tax attorney, five thousand four hundred dollars.

For expenses of inheritance tax department, including printing, traveling and contingent expenses, postage, expressage and telegraphing, clerical and other services, and any other expenses necessary and proper to the enforcement of the inheritance tax law, sixty-seven thousand five hundred dollars.

For general expense, branch inheritance tax department, San Francisco, eighteen thousand dollars.

For general expense, branch inheritance tax department, Los Angeles, sixteen thousand four hundred dollars.

Controller.

For salary of two assistant tax attorneys, nine thousand six hundred dollars.

For salaries of extra clerks, tax collecting department, twelve thousand dollars.

For postage, expressage, telegraphing and contingent expenses, tax collecting department, three thousand six hundred dollars.

For printing, binding and ruling, tax collection department, two thousand five hundred dollars.

Treasurer.

TREASURER'S OFFICE.

For salary of state treasurer, ten thousand dollars.

For salary of deputy state treasurer, six thousand four hundred dollars.

For salary of cashier, treasurer's office, five thousand four hundred dollars.

For salary of bond officer, treasurer's office, five thousand dollars.

For salary of deposit officer, treasurer's office, five thousand dollars.

For salary of one bookkeeper, treasurer's office, four thousand four hundred dollars.

For salary of stenographer, treasurer's office, three thousand dollars.

For salaries of four watchmen, treasurer's office, ten thousand five hundred sixty dollars.

For pay of porter, treasurer's office, one thousand four hundred forty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, treasurer's office, four thousand dollars.

For printing, etc., treasurer's office, one thousand nine hundred dollars.

Attorney
general.

ATTORNEY GENERAL'S OFFICE.

For salary of attorney general, twelve thousand dollars.

For salary of assistant attorney general, eight thousand dollars.

For salary of chief deputy to attorney general, eight thousand dollars.

For salaries of six deputies to attorney general, thirty-seven thousand two hundred dollars.

For salary of one deputy to attorney general, six thousand dollars.

For salary of service agent, attorney general's office, three thousand six hundred dollars.

For salaries of two clerks, attorney general's office, seven thousand two hundred dollars.

For salary of phonographic reporter, attorney general's office, three thousand six hundred dollars.

For salaries of five stenographers, attorney general's office, fifteen thousand dollars.

For salary of one stenographer, attorney general's office, two thousand four hundred dollars. Attorney general.

For pay of porter, attorney general's office at Sacramento, one thousand eighty dollars.

For postage, expressage, telegraphing and contingent expenses, attorney general's office, five thousand dollars.

For traveling expenses, attorney general's office, one thousand five hundred dollars.

For costs and expenses of suits wherein the state is a party in interest, seven thousand five hundred dollars.

For office rent of attorney general in San Francisco, six thousand dollars.

For purchase of law books, attorney general's office, two thousand dollars.

For printing, etc., attorney general's office, five thousand dollars.

For payment of expenses incidental to conserving state lands, gathering evidence, and quieting and canceling outstanding evidences of title, two thousand dollars.

LEGISLATIVE COUNSEL BUREAU.

Legislative
counsel
bureau.

For support and salaries, twenty-five thousand dollars.

For additional salaries, three thousand six hundred dollars.

SURVEYOR GENERAL.

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 five hundred dollars.

For salaries of three clerks, surveyor general's office, ten thousand eight hundred dollars.

For salaries of three clerks, register state land office, ten thousand eight hundred dollars.

For pay of porter, surveyor general's office, one thousand eighty dollars.

For contingent and traveling expenses, surveyor general's office, ten thousand five hundred dollars.

For printing, etc., surveyor general's office, one thousand seven hundred dollars.

SUPERINTENDENT OF STATE PRINTING.

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.

STATE BOARD OF EQUALIZATION.

Board of
equalization.

For salaries of members of the state board of equalization, thirty-two thousand dollars.

For salary of secretary, state board of equalization, eight thousand dollars.

For pay of porter, state board of equalization, nine hundred sixty dollars.

For postage, expressage, telegraph, and contingent expenses, state board of equalization, one thousand dollars.

For clerical and expert assistance, printing, postage and all other expenses involved in making the assessment of taxes, twenty-five thousand dollars.

For traveling and contingent clerical expenses, state board of equalization (Political Code, section three thousand seven hundred two), five thousand dollars.

For printing, etc., state board of equalization, five thousand dollars.

SUPERINTENDENT CAPITOL BUILDING AND GROUNDS.

Superintendent
capitol
building and
grounds.

For salary of superintendent of capitol building and grounds, six thousand dollars.

For salary of clerk to superintendent of capitol building and grounds, three thousand six hundred dollars.

For salary of engineer, three thousand six hundred dollars.

For salary of additional engineer during session of the legislature, six hundred dollars.

For salary of fireman, two thousand six hundred forty dollars.

For salary of additional fireman during session of the legislature, four hundred forty dollars.

For salary of electrician, three thousand six hundred dollars.

For salary of additional electrician during session of the legislature, six hundred dollars.

For pay of head porter, two thousand six hundred forty dollars.

For pay of seven special policemen, eighteen thousand four hundred eighty dollars.

For pay of two elevator attendants, four thousand eight hundred dollars.

For pay of two additional elevator attendants during session of the legislature, eight hundred dollars.

For pay of three telephone operators, six thousand four hundred eighty dollars.

For pay of two additional telephone operators during session of the legislature, seven hundred twenty dollars.

For pay of one telephone exchange operator for twelve weeks, two hundred seventy dollars.

For special policemen capitol and executive mansion, ten thousand five hundred sixty dollars.

For purchase of carpets and furniture for capitol building and departments, two thousand dollars.

For water for capitol building and grounds, three thousand six hundred dollars.

For repairs to capitol building and furniture, two thousand dollars. Superintendent capitol building and grounds.

For repairs, improvement, equipment and furnishings, executive mansion, five thousand dollars.

For stationery, fuel, lights and supplies, twenty thousand dollars.

For salary of head gardener, four thousand two hundred dollars.

For pay of gardeners, porters, and other help in capitol building and grounds, sixty thousand nine hundred ninety-six dollars.

For purchase of implements, etc., and care and improvement of grounds of state capitol and executive mansion (exempt from section four of this act), twelve thousand dollars.

For traveling and contingent expenses, five hundred dollars.

For salary of emergency electrician, one month, one hundred fifty dollars.

For salary of typewriter expert, three thousand dollars.

For salary of assistant head gardener, two thousand six hundred forty dollars.

BOARD OF RAILROAD COMMISSIONERS.

Railroad commissioners.

For salaries of commissioners, eighty thousand dollars.

For salaries of other civil executive officers in office of board of railroad commissioners and the support of the commission, four hundred nineteen thousand seven hundred fifty dollars.

INSURANCE COMMISSIONER.

Insurance commissioner.

For salary of insurance commissioner, twelve thousand dollars.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

CIVIL SERVICE COMMISSION.

Civil service commission.

For salaries of members of the commission, eighteen thousand dollars.

For support of the commission, fifty-two thousand dollars.

IMMIGRATION AND HOUSING COMMISSION.

Immigration and housing commission.

For support of the commission, one hundred five thousand dollars.

For additional support and maintenance, forty thousand dollars.

WEIGHTS AND MEASURES.

Weights and measures.

For salary of superintendent of weights and measures, eight thousand dollars.

For salary of deputy, three thousand six hundred dollars.

For support of department, fifteen thousand dollars.

Water
commission.

STATE WATER COMMISSION.

For salaries of three commissioners, thirty thousand dollars.
For support of commission including salaries of office assistants, field men, and other expenses incidental to the work of the commission, ninety-three thousand eight hundred dollars.

Industrial
welfare
commission.

INDUSTRIAL WELFARE COMMISSION.

For support of the commission, seventy thousand dollars.

Board of
health.

STATE BOARD OF HEALTH.

For salary of secretary, nine thousand dollars.
For salary of assistant secretary, four thousand eight hundred dollars.
For salary of attorney, six thousand dollars.
For salary of statistician, four thousand eight hundred dollars.
For salary of deputy statistician, three thousand two hundred dollars.
For salary of clerk, three thousand two hundred dollars.
For salary of two copyists, three thousand six hundred dollars.
For salary of director, pure food and drug laboratory, seven thousand two hundred dollars.
For salary of assistant director, pure food and drug laboratory, three thousand six hundred dollars.
For traveling and contingent expenses, forty-two thousand dollars.
For support district health offices, twenty-five thousand dollars.
For support pure food and drug laboratory, sixty-five thousand dollars.
For support state hygienic laboratory, fifty thousand dollars.
For printing, etc., eight thousand dollars.
For salary of consulting nutrition expert, two thousand four hundred dollars.

Bureau
of labor
statistics.

BUREAU OF LABOR STATISTICS.

For salary of commissioner, eight thousand dollars.
For salary of deputy commissioner, four thousand eight hundred dollars.
For salary of deputy commissioner at Los Angeles, four thousand eight hundred dollars.
For salary of assistant deputy commissioner, four thousand two hundred dollars.
For salary of statistician, five thousand four hundred dollars.
For salary of stenographer, two thousand four hundred dollars.
For salary of attorney, four thousand eight hundred dollars.
For salaries of assistants, traveling and contingent expenses, fifty-five thousand dollars.

For office rent, five thousand one hundred dollars.

For printing, etc., six thousand dollars.

INDUSTRIAL ACCIDENT COMMISSION.

Industrial
accident
commission.

For salaries of members of the commission, thirty thousand dollars.

For support and maintenance of the commission, four hundred twenty thousand dollars.

HARBOR COMMISSIONERS—EUREKA.

Eureka
harbor com-
missioners.

For salaries of three commissioners, two thousand four hundred dollars.

For salary of harbormaster, two thousand four hundred dollars.

For salary of secretary to harbor commissioners, two thousand four hundred dollars.

For contingent expenses of harbor commissioners, three thousand dollars.

NATIONAL GUARD.

National
guard.

For salary of adjutant general, ten thousand dollars.

For salary of assistant adjutant general, six thousand dollars.

For salary of chief clerk, three thousand eight hundred dollars.

For salaries 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, one thousand eight hundred dollars.

For support of the national guard and adjutant general's office, four hundred twenty thousand nine hundred dollars.

STATE ENGINEERING DEPARTMENT.

Engineering
department.

For salaries of three appointed members, twenty-one thousand six hundred dollars.

For salary of state engineer, ten thousand dollars.

For salary of highway engineer, twenty thousand dollars.

For salaries of two assistant state engineers, twelve thousand dollars.

For salary of state architect, nine thousand six hundred dollars.

For salary of architectural designer, five thousand four hundred dollars.

For salaries of three architectural draughtsmen, twelve thousand dollars.

For salary of engineer's draughtsman, four thousand dollars.

For salary of mechanical engineer, five thousand four hundred dollars.

Engineering
department.

For salaries of two filing clerks, seven thousand two hundred dollars.

For salary of blue print pressman, three thousand dollars.

For salary of secretary, six thousand dollars.

For salaries of two clerks and stenographers, six thousand dollars.

For pay of porter, one thousand eight hundred dollars.

For printing, etc., five thousand dollars.

For contingent and traveling expenses, forty thousand dollars.

For salary of electrical engineer, four thousand two hundred dollars.

For salary of structural engineer, four thousand eight hundred dollars.

For salary of auditor, four thousand eight hundred dollars.

For salary of general superintendent, six thousand dollars.

For salary of assistant state architect, six thousand dollars.

Superin-
tendent of
public
instruction.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of superintendent, ten thousand dollars.

For salary of deputy superintendent, four thousand eight hundred dollars.

For salary of statistician, four thousand eight hundred dollars.

For salary of clerk and stenographer, three thousand two hundred dollars.

For salary of bookkeeper, three thousand two hundred dollars.

For postage, etc., contingent and traveling expenses, and clerical assistants, fourteen thousand dollars.

For printing, etc., twenty-four thousand dollars.

For textbooks for orphans, one thousand five hundred dollars.

State
library.

STATE LIBRARY.

For salary of state librarian, ten thousand dollars.

For support and maintenance of state library, two hundred fifty thousand dollars.

University
of California.

UNIVERSITY OF CALIFORNIA.

For support and maintenance of University of California, four hundred thousand dollars.

For support, maintenance and equipment of college of agriculture of University of California, including support of University Farm School at Davis, and also support of all experimental stations, all pathological and other investigations, farmers' institutes, and all agricultural departments connected with the University of California, eight hundred seventy-five thousand dollars.

For support and maintenance of Scripps Institution of Biological Research, thirty-five thousand dollars.

For support of work of insecticide and fungicide laboratory, provided for in chapter six hundred fifty-three, statutes 1911, ten thousand dollars.

STATE BOARD OF EDUCATION.

Board of
education.

For per diem of members of board of education, traveling and contingent expenses of board and commissioners of education and salaries of office employees, eighty thousand dollars.

For salaries of commissioners, twenty-four thousand dollars.

STATE NORMAL SCHOOLS.

Normal
schools.

For salaries of officers, teachers and employees at San Jose, two hundred two thousand five hundred dollars.

For support of state normal school at San Jose, care and improvement of grounds, and library, museum and purchase of scientific apparatus of same, thirty-eight thousand dollars.

For printing, etc., state normal school at San Jose, two thousand five hundred dollars.

For salaries of officers, teachers and employees of Los Angeles normal school, three hundred twenty-four thousand dollars.

For support of state normal school at Los Angeles, care and improvement of grounds, and library, museum and purchase of scientific apparatus of same, fifty-four thousand five hundred dollars.

For printing, etc., of same, two thousand five hundred dollars.

For salaries of officers, teachers and employees at state normal school at Chico, one hundred four thousand dollars.

For support of state normal school at Chico, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, fourteen thousand eight hundred dollars.

For printing, etc., of same, one thousand two hundred dollars.

For salaries of officers, teachers and employees at state normal school at San Diego, one hundred fourteen thousand two hundred eighty dollars.

For support of state normal school at San Diego, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, twenty-one thousand two hundred twenty-eight dollars.

For printing, etc., of same, one thousand two hundred fifty dollars.

For salaries of officers, teachers and employees at state normal school at San Francisco, one hundred thirty-four thousand nine hundred dollars.

For support of state normal school at San Francisco, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, thirteen thousand five hundred dollars.

Normal
schools.

For printing, etc., of same, one thousand two hundred dollars.

For salaries of officers, teachers and employees at state normal school at Santa Barbara, eighty-one thousand dollars.

For support of state normal school at Santa Barbara, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, ten thousand five hundred dollars.

For additional support elementary teaching courses state normal school at Santa Barbara, fourteen thousand eight hundred dollars.

For printing, etc., of same, eight hundred dollars.

For salaries, of officers, teachers and employees at state normal school at Fresno, one hundred twenty thousand dollars.

For support of state normal school at Fresno, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, twenty thousand nine hundred dollars.

For printing, etc., of same, one thousand two hundred dollars.

For salaries of officers, teachers and employees at state normal school at Humboldt, fifty-six thousand one hundred twenty dollars.

For support of state normal school at Humboldt, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, eleven thousand nine hundred dollars.

For printing, etc., of same, one thousand eight hundred dollars.

California
Polytechnic
School.

CALIFORNIA POLYTECHNIC SCHOOL.

For salaries of officers, teachers and employees of same, ninety-seven thousand dollars.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, care and improvement of grounds, and library for same, fifty-three thousand eight hundred dollars.

For printing, etc., of same, two thousand dollars.

Hastings
College
of the Law.

HASTINGS COLLEGE OF THE LAW.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars.

For rentals, four thousand eight hundred dollars.

California
School for
Deaf and
Blind.

CALIFORNIA SCHOOL FOR THE DEAF AND THE BLIND.

For support of school, eighty thousand dollars.

For salaries of officers, teachers and employees, one hundred eighty thousand dollars.

INDUSTRIAL HOME FOR ADULT BLIND.

Industrial
Home for
Adult Blind.

For support, fifty-five thousand dollars.

For salaries of officers and employees, thirty-five thousand dollars.

For printing, six hundred dollars.

STATE MINING BUREAU.

Mining
bureau.

For salary of state mineralogist, seven thousand two hundred dollars.

For support, including salaries, one hundred thousand dollars.

VITICULTURAL COMMISSION.

Viticulural
commission.

For support of commission, fifteen thousand dollars.

STATE AGRICULTURAL SOCIETY.

State
agricultural
society.

For aid to state agricultural society, seventy thousand dollars.

For salary of secretary, six thousand dollars.

For salaries of employees, thirteen thousand eight hundred dollars.

For traveling expenses of the directors, four thousand dollars.

STATE COMMISSIONER OF HORTICULTURE.

Commis-
sioner of
horticulture.

For salary of commissioner, eight thousand dollars.

For salary of deputy commissioner, five thousand four hundred dollars.

For salary of secretary, five thousand four hundred dollars.

For salary of superintendent of state insectary, five thousand four hundred dollars.

For salary of assistant superintendent of state insectary, three thousand six hundred dollars.

For salary of field deputy, insectary division, three thousand six hundred dollars.

For salary of chief deputy quarantine inspector, five thousand four hundred dollars.

For salary of deputy quarantine officer at San Francisco, three thousand six hundred dollars.

For salary of deputy quarantine officer at Los Angeles, three thousand six hundred dollars.

For salary of chief field deputy, eight thousand dollars.

For salary of chief clerk at Sacramento, three thousand two hundred dollars.

For use and support of office of commissioner of horticulture, searching for beneficial insects, and use and support of state insectary, one hundred sixty thousand dollars.

For printing, etc., thirteen thousand dollars.

Veterinarian.

STATE VETERINARIAN.

For salary of state veterinarian, eight thousand dollars.

For salary of assistant state veterinarian, six thousand dollars.

For salary of deputy state veterinarian, four thousand eight hundred dollars.

For salary of clerk, three thousand two hundred dollars.

For traveling and contingent expenses, including sheep inspection and enforcement of dairy laws, ninety-six thousand dollars.

Dairy
bureau.

STATE DAIRY BUREAU.

For support of state dairy bureau, seventy thousand dollars.

Board of
forestry.

STATE BOARD OF FORESTRY.

For salary of state forester, six thousand dollars.

For salary of deputy state forester, four thousand eight hundred dollars.

For salary of assistant state forester, three thousand two hundred dollars.

For support, including field and traveling expenses, twenty-seven thousand dollars.

For printing, etc., six thousand dollars.

Sutter's
Fort and
Marshall
monument.

SUTTER'S FORT AND MARSHALL MONUMENT.

For salary of guardian, Marshall monument and grounds, one thousand eight hundred dollars.

For care of grounds, Marshall monument, seven hundred fifty dollars.

For salary of guardian, Sutter's Fort, one thousand eight hundred dollars.

For salary of gardener, Sutter's Fort, two thousand four hundred dollars.

For salary of assistant gardener, Sutter's Fort, two thousand one hundred sixty dollars.

For maintenance of grounds and buildings at Sutter's Fort, two thousand dollars.

Veterans'
Home.

VETERANS' HOME.

For support and maintenance, three hundred sixty thousand dollars.

For printing, etc., two thousand five hundred dollars.

Woman's
Relief
Corps
Home.

WOMAN'S RELIEF CORPS HOME.

For support and maintenance, nineteen thousand two hundred dollars.

ORPHAN AID.

Orphan aid.

For support of orphans, half orphans and abandoned children, two million one hundred thirty thousand dollars.

For salaries and support of children's department, and expenses of children's agent, forty-two thousand dollars.

STATE BOARD OF CHARITIES AND CORRECTIONS.

Board of
charities and
corrections.

For salaries and expenses, sixty thousand dollars.

STATE COMMISSION IN LUNACY.

Lunacy
commission.

For salaries of officers and employeess and for salary of general superintendent of state hospital, forty thousand dollars.

For traveling expenses and all other contingent expenses, of the commission and officers and employeess, five thousand dollars.

For printing, etc., eight thousand dollars.

HOSPITALS FOR INSANE.

Hospitals
for insane.

For support of Stockton State Hospital, six hundred thousand four hundred twenty dollars.

For salaries of officers and employeess, Stockton State Hospital, four hundred eighty-one thousand four hundred eighty dollars.

For support of Napa State Hospital, six hundred thirty-seven thousand eighty dollars.

For salaries of officers and employeess, Napa State Hospital, five hundred twenty-four thousand two hundred eighty dollars.

For support of Agnews State Hospital, four hundred eighty-three thousand eight hundred forty dollars.

For salaries of officers and employeess, Agnews State Hospital, three hundred thirteen thousand three hundred forty-four dollars.

For support of Mendocino State Hospital, three hundred twenty-seven thousand seven hundred seventy dollars.

For salaries of officers and employeess, Mendocino State Hospital, two hundred thirty-nine thousand nine hundred four dollars.

For support of Southern California State Hospital, five hundred eighty-nine thousand two hundred seventy-five dollars.

For salaries of officers and employeess, Southern California State Hospital, four hundred seventy-one thousand four hundred fifteen dollars.

For support of Sonoma State Home, four hundred twenty-six thousand four hundred sixteen dollars.

For salaries of officers and employeess, Sonoma State Home, three hundred twenty-five thousand dollars.

For support of Norwalk State Hospital, three hundred thousand four hundred dollars.

For salaries of officers and employeess, Norwalk State Hospital, one hundred twenty-eight thousand four hundred dollars.

For support and salaries, Pacific Colony, forty-eight thousand dollars.

TRANSPORTATION EXPENSES.

Trans-
portation
expenses.

For transportation of prisoners, insane, delinquent and feeble-minded children to state institutions to which they are

committed (exempt from section four of this act), two hundred twenty thousand dollars.

For expenses of returning criminals arrested without the state (exempt from section four of this act), thirty-four thousand dollars.

Correctional
schools.

STATE CORRECTIONAL SCHOOLS.

For support of Preston School of Industry, two hundred seventy-five thousand dollars.

For salaries of officers and employees, Preston School of Industry, one hundred sixty thousand dollars.

For support of Whittier State School, two hundred seventy-seven thousand dollars.

For salaries of officers and employees, Whittier State School, one hundred ninety thousand dollars.

For support of California School for Girls, one hundred forty-six thousand five hundred dollars.

For salaries of officers and employees, California School for Girls, one hundred four thousand one hundred dollars.

Prison
directors.

STATE BOARD OF PRISON DIRECTORS.

For printing, etc., five hundred dollars.

Prisons.

STATE PRISONS.

For support of State Prison at Folsom, three hundred forty-five thousand dollars.

For salaries of officers and employees, State Prison at Folsom, two hundred twenty-five thousand dollars.

For support of State Prison at San Quentin, four hundred twenty-five thousand dollars.

For salaries of officers and employees, State Prison at San Quentin, two hundred seventy-six thousand dollars.

Advisory
pardon
board.

ADVISORY PARDON BOARD.

For support, five thousand dollars.

Miscel-
laneous.

MISCELLANEOUS.

For official advertising, six thousand dollars.

For purchase of topographic sheets, five hundred dollars.

For care of state burial grounds, five hundred dollars.

For payment of premiums on surety bonds, state officers and employees, seven thousand dollars.

For printing and advertising sale of state bonds, twenty thousand dollars.

For printing, etc., various officers not heretofore provided for (to be expended under the direction of the state board of control), four thousand five hundred dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor for illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of high-way robbers, two thousand dollars.

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller, two hundred fifty thousand dollars.

SEC. 2. The various sums herein appropriated for printing, binding, ruling, materials and all other work provided for by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of control, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section two thousand two hundred ninety-five *a* of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred seventy-two of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand eighty-three and two thousand eighty-five of the Political Code. Not more than five hundred dollars of the money hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of 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.

Expenditures
for printing,
etc.

SEC. 3. All persons having demands against the state, and various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of control, is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service

Biennial
statement
of state
officers.

rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officer or board make necessary the use of moneys for purposes of a confidential nature, the board of control may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the facts surrounding the expenditure, which statement must be filed in the office of the board of control; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services: *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of control, and without at the time furnishing vouchers and itemized statements, draw from such appropriation, a sum not to exceed one thousand dollars for any such officer, board, commission or department. The sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each fiscal year, or at any other time, upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

Original
bills
required.

Revolving
fund.

Amounts
expendable
monthly.

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 30, 1921, shall be expended during any one month without the consent of the state board of control, and not more than one-half of such appropriation shall be expended during the seventy-first fiscal year, unless the same has been expressly authorized by this act.

Expenditures
forbidden.

SEC. 5. The officers of the various departments, boards, commissions and institutions for whose benefit and support appropriations are made in this act are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of control be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by said state board of control nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions or institutions, who shall vote for any

expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents. Fire insurance.

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one, of article four, of the constitution of the State of California, take effect immediately. Time in effect.

STATE OF CALIFORNIA,
EXECUTIVE OFFICE, SACRAMENTO.

The foregoing general appropriation bill, Assembly Bill No. 313, is approved except for the certain items hereinafter specifically set forth and objected to in accordance with section 16, article IV of the constitution, which items are disapproved, to wit:

1. I object to the item on page nine [1317] under heading "Legislative Counsel Bureau," "For additional salaries, three thousand six hundred dollars," for the reason that said bureau will be able to accomplish its work and pay sufficient salaries without this additional appropriation.

2. I object to the item on page fifteen [1322] under the heading "University of California," "For support and maintenance of University of California, four hundred thousand dollars," for the reason that Senate Bill No. 28, which has already been signed by me, appropriates a like amount for this same purpose and this item would be a duplication thereof.

3. I object to the following items on page eighteen [1325] under the heading "State Commission of Horticulture," to wit:

"For salary of commissioner, eight thousand dollars;

"For salary of deputy commissioner, five thousand four hundred dollars;

"For salary of assistant superintendent of state insectary, three thousand six hundred dollars;

"For salary of deputy quarantine officer at San Francisco, three thousand six hundred dollars;

"For salary of deputy quarantine officer at Los Angeles, three thousand six hundred dollars"; for the reason that Assembly Bill No. 1112, which has already been signed by me, reorganizes this department and renders these appropriations unnecessary.

4. I object to the item on page eighteen [1326] under the heading "State Veterinarian," "For salary of clerk, three thousand two hundred dollars," for the same reason set forth in the preceding paragraph hereof.

5. I object to the item on page twenty [1327], "For support and salaries, Pacific Colony, forty-eight thousand dollars," for the reason that Assembly Bill No. 735, which has already been signed by me, carries sufficient appropriation for the needs of this institution.

WM. D. STEPHENS,
Governor of California.

Dated: May 27, 1919.

[Page numbers given in above statement are those of bill presented to the Governor for approval; accompanying numbers enclosed in brackets [] are the pages of these Statutes on which items objected to appear.]

CHAPTER 646.

An act appropriating money to pay the claim of the naval reserve social club.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: claim of naval reserve social club.

SECTION 1. The sum of one thousand one hundred forty-four dollars and fifteen cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of naval reserve social club.

CHAPTER 647.

An act appropriating money to pay the claim of Leon French against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: claim of Leon French.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay in full the claim of Leon French against the State of California. The state controller is hereby directed to draw his warrant in favor of Leon French for said sum of one thousand dollars, and the state treasurer is hereby directed to pay the same.

CHAPTER 648.

An act to amend sections five hundred fourteen and five hundred fifteen of the Political Code, relating to the appointment and salaries of assistants in the office of superintendent of public instruction.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred fourteen of the Political Code is hereby amended so as to read as follows:

Assistants to superintendent of public instruction.

514. The superintendent of public instruction may appoint one deputy superintendent of public instruction, one statistician, one bookkeeper and one secretary, all of whom shall be civil executive officers.

SEC. 2. Section five hundred fifteen of the Political Code is hereby amended so as to read as follows:

515. The annual salary of the deputy superintendent of public instruction shall be the same as the annual salary of the deputy secretary of state, namely, three thousand dollars. The annual salary of the statistician shall be two thousand four hundred dollars. The annual salary of the bookkeeper shall be two thousand one hundred dollars. The annual salary of the secretary shall be one thousand eight hundred dollars. Salaries.

CHAPTER 649.

An act to amend section seven hundred eighteen of the Political Code, relating to the employeess of the superintendent of state capitol building and grounds.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred eighteen of the Political Code is hereby amended to read as follows:

718. The superintendent of capitol building and grounds may appoint one head gardener at an annual salary of two thousand one hundred dollars and one assistant head gardener at an annual salary of one thousand three hundred twenty dollars. He may appoint seven special policemen for the building and grounds at annual salaries of one thousand four hundred forty dollars each, who shall have the power of peace officers, and the same power of arrest as is herein given to the superintendent. None of said policemen shall be required to work more than six days in any one week. He may appoint one clerk for his office at an annual salary of one thousand eight hundred dollars, who shall be a civil executive officer; one head porter for the building at an annual salary of one thousand three hundred twenty dollars; one general mechanical expert at an annual salary of one thousand five hundred dollars. He may appoint one engineer at an annual salary of one thousand eight hundred dollars; one fireman at an annual salary of one thousand three hundred twenty dollars; one electrician at an annual salary of one thousand eight hundred dollars; *provided, however*, that the superintendent is hereby empowered to employ an additional electrician for emergency purposes. The superintendent may also appoint two elevator attendants at an annual salary of one thousand two hundred dollars each; three telephone exchange operators at an annual salary of one thousand eighty dollars each. He may appoint to serve from January first until May first in each legislative year one engineer at a monthly salary of one hundred fifty dollars; one fireman at a monthly salary of one hundred ten dollars; one electrician at a monthly salary of one hundred fifty dollars; two Employees
of superin-
tendent of
capitol
building
and grounds.

elevator attendants at a monthly salary of one hundred dollars each; two telephone exchange operators at a monthly salary of ninety dollars; ten porters at a monthly salary of one hundred dollars each. He may also appoint one telephone exchange operator at a monthly salary of seventy-five dollars to serve six weeks each year while the legislature is not in session. The salaries of all such appointees shall be paid at the same time and in the same manner as other state officers.

CHAPTER 650.

An act to amend section thirteen of an act entitled "An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, and to add new sections thereto, to be known as sections twenty-two, relating to special license, twenty-three, relating to the establishment of a school of embalming, and twenty-four, relating to the regulation of the sale of embalming fluid.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 82.

SECTION 1. Section thirteen of an act entitled "An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, is hereby amended to read as follows:

Affidavits
to corrections
in death
certificates.

Sec. 13. Whenever it may be alleged that the facts are not correctly stated in any certificate of death theretofore registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, to be supported by the affidavit of one other credible person having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such affidavits, the local registrar shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the affidavits, attached to the original certificate, when making his regular monthly returns to the

state registrar. If the correction relates to a certificate previously returned to the state registrar, the local registrar shall transmit the affidavit forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall transmit a certified copy of the original certificate, corrected as above, to the local registrar, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, typewritten or printed. When an embalmer has allowed his license to lapse, for any reason whatever, his license and number may be reinstated by the proper application of such embalmer, said application to be accompanied by a fee of two dollars and all back dues to date, whereupon the board may reinstate such applicant, provided such lapse shall not have been over two years.

When
embalmer's
license
lapses.

SEC. 2. A new section is hereby added to said act, to be numbered section twenty-two, and to read as follows:

Sec. 22. Nonresidents living along the border of the State of California, doing business within this state, may make application for a special license, provided they can comply with the rules and regulations governing applicants for license, and furnish a certificate from their state certifying that the applicant holds a valid license, and upon the payment of a fee of twenty dollars, with a yearly renewal fee of five dollars.

Special
license for
nonresidents.

SEC. 3. A new section is hereby added to said act, to be numbered section twenty-three and to read as follows:

Sec. 23. The state board of embalmers is authorized to enter into an agreement with the proper authorities for the purpose of establishing a school of embalming in connection with any state educational institution of university grade or school of secondary grade maintained by a city, city and county, or school district in this state for the purpose of instructing students in the art of embalming and the sanitary care of the dead. The board shall be empowered to employ instructors; secure paraphernalia; lay out a course of instruction and requirements for a graduation; to require fees for same; which said fees shall be deposited in the state treasury in a fund which is hereby created and which shall be known as the embalmers school fund; this school to be in no way an expense to the state. Upon graduation a diploma thereupon shall entitle the holder to be admitted to practice within the state.

School of
embalming.

SEC. 4. A new section is hereby added to said act, to be numbered section twenty-four and to read as follows:

Sec. 24. It is prohibited to manufacture, sell or distribute embalming fluids within the state containing mineral poison. All fluid containers to have printed on the label "no mineral poison." All manufacturers and distributors of embalming fluids are hereby required to state the per cent formaldehyde contained therein, upon the label.

Manufacture
and distri-
bution of
embalming
fluids.

CHAPTER 651.

An act to amend an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the cost and expense thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, by adding a new section, to be numbered fifteen and one-half, providing for adjustments with contractors when they pay as incidental or preliminary expenses an amount larger or smaller than that actually due.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1907,
p. 806.

SECTION 1. A new section is hereby added to the act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the cost and expenses thereof; for the special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, to be numbered fifteen and one-half, and to read as follows:

Adjustments
with
contractor.

15½. Whenever a contractor pays into the county treasury an amount larger or smaller than that actually due for incidental or preliminary expenses, the difference thus arising shall be adjusted by transfers from or to the interest and sinking fund of the district for which the payment was made, to or from the proper fund of the county.

CHAPTER 652.

An act to amend section four thousand forty-one b of the Political Code, relating to appraisalment of real property for taxes.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand forty-one b of the Political Code is hereby amended to read as follows:

4041b. Whenever, in the judgment of the board of supervisors of any county, it is deemed to be for the best interest of the county, on account of changes in land values, that there be appointed an advisory board to co-operate with the county assessor in making the annual appraisalment of real property therein for taxation purposes, the board of supervisors, by a four-fifths vote, may appoint such advisory board, which shall consist of three members. Before any person thus appointed shall enter upon the duties of his office, he shall take the oath of office and shall execute such bond as the supervisors may prescribe. The members of the advisory board shall be allowed their necessary expenses and each member shall receive a compensation of not to exceed ten dollars per day while actually engaged in the duties of his office. Competent persons may be employed to compile records necessary for determining the true value of land. All claims for compensation and expenses hereunder shall be paid out of the general fund of the county after approval by the board of supervisors.

Advisory
board to
county
assessor.

CHAPTER 653.

An act appropriating money to pay the claim of Lutrell Pace against the State of California:

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand two hundred seventy-one and fifty-one one-hundredths dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Lutrell Pace against the State of California. The state controller is hereby directed to draw his warrant in favor of Lutrell Pace in the said sum of one thousand two hundred seventy-one and fifty-one one-hundredths dollars and the state treasurer is hereby directed to pay the same.

Appropriation: claim of Lutrell Pace.

CHAPTER 654.

An act to amend sections one, three, four, five, six, seven, eight, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the

wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, statutes of California of 1913, page 1035, and to add four new sections thereto to be numbered twenty-eight, twenty-nine, thirty, and thirty-one.

[Approved May 27, 1919. In effect immediately.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 1035.

SECTION 1. Sections one, three, four, five, six, seven, eight, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, statutes of California of one thousand nine hundred thirteen, page one thousand thirty-five, are hereby amended to read as follows:

Definitions
of terms.

Section 1. *First*—The term "commission" as used in this act means the "state civil service commission" herein created, and the term "commissioner" as used in this act means one of the three members of that commission, all unless such terms are plainly used with some other meaning.

Second—The terms "position" and "positions" as used in this act include all offices and employments under state authority, whether there be any salary or other compensation or emolument connected therewith, except offices held by elective officers as such and also except the militia and all offices and employments as now or hereafter provided by virtue of or under article eight of the constitution of the state, and except county and township offices and employments.

Third—The term "appointing power" as used in this act includes all persons whether acting singly or in conjunction with others in any way whatsoever, either by nomination or confirmation or as a board or commission or otherwise, in selecting any one to hold any position as that term is so used in this act.

Fourth—The term "appointment" as used in this act includes all means of selecting and employing any one to hold any position as that term is so used in this act.

Sec. 3. The commission shall employ a chief examiner and secretary, which offices may be combined, and such other employees as it may deem necessary or proper to carry out the purposes of this act. Their compensation shall be fixed by the commissioner, and they may be paid necessary traveling expenses incurred in the discharge of their duties. The duties of the chief examiner, secretary and other employees shall be prescribed by the commission, subject to the provisions of this act. It shall be the duty of the secretary to keep the minutes of the meetings of the commission and perform such other services as may be assigned him by the commission. The commission may select suitable persons to assist in examinations under its direction. The compensation of such assistants shall not exceed five dollars per day, except in the case of special and expert examiners employed in the preparation of questions and rating of candidates; and when the persons so selected are in the official service of the state it shall be deemed a part of their official duty to serve as such assistants without additional compensation.

Sec. 4. The commission is authorized to secure in the city of Sacramento suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted, for carrying on the work of the commission and the commission may order the necessary stationery, postage stamps, and official seal and other articles to be supplied, and the necessary printing to be done for its official use.

Sec. 5. The commission shall: *

First—Classify positions to be held under state authority in accordance with the provisions of this act and in accordance with the duties attached to such positions. The commission shall grade all positions within each class with respect to salaries, to the end that like salaries shall be paid for like duties. Such classes and grades may from time to time be amended, added to, consolidated or abolished by the commission, but persons holding positions under the original classification or grade shall not be affected thereby; *provided*, that no person otherwise competent shall be excluded from any class on account of any physical defect or affliction unless such defect or affliction tends directly to incapacitate such person from performing the services required of that class, and that when any person with any such physical defect or affliction which does not tend directly to incapacitate such person from performing the duties required of persons in that class, has been appointed to a position, such person shall not be placed in a different grade as to salaries from other persons in the same class.

Second—Hold examinations to determine the merit, efficiency and fitness of applicants for positions, and prepare properly classified eligible lists from applicants so examined.

All questions for examination shall be prepared under the supervision of the commission or chief examiner and delivered to the examining board or to the candidates by one of the commissioners or chief examiner or by an examiner specially designated to perform such service.

Enforce act.

Third—Enforce the provisions of this act and prescribe and enforce suitable rules and regulations for carrying the same into effect and from time to time amend and repeal the same.

Fourth—Keep minutes of its own proceedings, and records of its examinations and other official actions.

Efficiency records

Fifth—Records of individual efficiency of holders of positions in performing their duties must be established and posted monthly in all offices and places of employment affected by this act. Such records shall be made by the appointing power, unless otherwise directed by the commission, and under and in accordance with such rules and regulations as the commission may prescribe, and a copy of such records shall be filed with the commission. The commission shall investigate all such efficiency records and may make its own records, and shall rate upon such records the item of "ascertained merit" in examinations for promotion. The commission shall establish and enforce rules and regulations under which records of unsatisfactory service may lead to reduction in grade and compensation of the person holding the position concerned, and shall further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the commission proceeding substantially as provided in this act and with the same effect as in case of removals by the appointing power.

Make investigations.

Sixth—Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder; inspect all state institutions, offices, places of employment and services affected by this act, and ascertain whether this act and all such rules and regulations are obeyed. Such investigation may be made by any commissioner, or chief examiner, or by any other authorized agent of the commission. In the course of such investigation any commissioner, or chief examiner or such other authorized agent of the commission, or the secretary of the commission, shall have power to administer oaths, subpoena and require the attendance in this state of witnesses and the production thereby of books, papers, documents and accounts appertaining to the investigation but not requiring the attendance of witnesses either with or without books, papers, documents or accounts unless residing within the same county or within thirty miles of the place of attendance.

Rules governing hearing

Seventh—All hearings and investigations before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission and in the conduct thereof neither the

commission nor any commissioner nor the chief examiner nor such other authorized agent of the commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner, or the chief examiner or such other authorized agent of the commission shall invalidate any order, decision, rule or regulations made, approved or confirmed by the commission. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books, papers, documents and accounts, as required by any subpoena issued by the commission, or any commissioner, or such other authorized agent of the commission or the secretary. The commission, or the commissioner, or the chief examiner or such other authorized agent of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of such books, paper, documents, or accounts, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce such books or papers or documents or accounts required by the subpoena, before the commission, or the commissioner, or the chief examiner, or such other authorized agent of the commission, in the matter named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceedings, and ask an order of said court, compelling the witness to attend and testify or produce such books or papers or documents or accounts before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission. The court, upon the petition of the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission, or such commissioner, or the chief examiner or such other authorized agent of the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, or any commissioner, or the chief

Superior
court may
compel
witnesses
to attend

Order
directing
witness
to appear.

examiner or other authorized agent of the commission, or the secretary, the court shall thereupon enter an order that said witness appear before the commission, or such commissioner, or the chief examiner or any other authorized agent of the commission at the time and place fixed in said order, and testify or produce the required books, papers, documents and accounts, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission, or a commissioner, or the chief examiner or any such other authorized agent of the commission to enforce the attendance of witnesses and the production of books, papers, documents and accounts.

Depositions.

The commission, or any commissioner, or the chief examiner or such other authorized agent of the commission may, in any investigation or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of books, papers, documents and accounts.

Witness not excused from testifying.

No person shall be excused from testifying or from producing any book, paper, document or account in any investigation or inquiry by or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, when ordered to do so, upon the ground that the testimony or evidence, book, paper, document or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any person immunity of any kind otherwise than is herein expressly provided.

Biennial report.

Eighth—Make a biennial report to the governor for transmission to the legislature, showing the action of the commission, including all the rules and regulations adopted by it during such period and those that are in force at the time of making such report, information as to exempted positions as required by this act and the effects of this act and of all proceedings under it and any suggestions the commission or any commissioner may deem practical for the more effectual accomplishment of the purposes of this act.

Meetings.

Ninth—Meet at Sacramento as often as the needs of the public service may require, and at such other places as the

commission may designate. A majority of the members of the commission shall constitute a quorum.

Sec. 6. It shall be the duty of all persons subject to the authority of the state in that behalf (including all state officers and employees of all state institutions of every kind and character) to aid in all proper ways in carrying into effect the provisions of this act and the rules and regulations prescribed from time to time thereunder and especially, at the request of the commission, to allow the commission the reasonable use of public buildings and to heat and light the same for the purpose of making examinations of applicants and investigations as provided by this act. Every one subject to the authority of the state in that behalf shall afford to the commission and its members and employees all reasonable facilities and give inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices subject to the authority of the state in that behalf, and shall also produce said books, papers, documents and accounts, and shall attend and testify when required to do so by the commission, or any commissioner, or the chief examiner, or the secretary or any other authorized agent of the commission. The attorney general shall advise and assist the commission, and the district attorneys of the counties shall prosecute violations of this act. The commission may employ special counsel.

Duty of
state
officers.

Sec. 7. The appointing power in all cases not excepted or exempted under the provisions of this act, or by virtue of the provisions of the constitution of the state, shall fill positions by appointment, including cases of transfers, reinstatements, promotions and reductions, in strict accordance with the provisions of this act and the rules and regulations prescribed from time to time hereunder, and not otherwise. Except only and to the extent that the appointing power otherwise requests as hereinafter provided, the positions held in the following specified classes are excepted from such method of appointment:

Appoint-
ments to be
under act.

First—Appointees of the legislature and one person holding a position having a confidential relation, whether as secretary or clerk or stenographer to each such appointee.

Exceptions.

Second—Appointees of the governor and one person holding a position having a confidential relation whether as secretary or clerk or stenographer to each such appointee.

Third—The chief deputy of and also one person holding a position having a confidential relation whether as secretary or clerk or stenographer to an elective officer.

Fourth—The secretary or executive officer, or both, and also the attorney and one stenographer of any board or commission appointed by the legislature or governor or elected by the electors, and all stenographers in the superior and appellate courts.

Fifth—The assistant and deputies of the attorney general and all special attorneys for boards and officers.

Exceptions.

Sixth—The members of the appointing board of and any chief in any legislative reference or counsel bureau and one person holding a confidential relation to each such chief.

Seventh—One warden for each of the state prisons.

Eighth—One superintendent for each of the state reformatories, state hospitals or other state charitable or correctional institutions; also the parole officers for the state prisons, Preston School of Industry and Whittier State School.

Ninth—Persons employed by the University of California and the state normal schools, and the teaching force of the elementary, secondary, trades and technical schools.

Tenth—Persons engaged in work done by co-operation between the state and federal governments.

Eleventh—The state librarian, the chief deputy or assistant state librarian and also one person holding a position having a confidential relation to the state librarian, and appointees under provisions for court, law, teachers, school and county libraries.

Twelfth—The secretary, chief accountant and children's agents of the state board of control.

Thirteenth—The employecs of the state railroad commission.

Fourteenth—Superintendents, chiefs, and heads of departments.

All provided that at any time any vacancy in any position in any of the above specified fourteen excepted classes may be filled by the appointing power in the manner provided by this act, in which case the person appointed shall hold, during the tenure of office of said appointing power, such position under the tenure of good behavior and subject to the provisions of this act as if that position had not been so excepted, but upon such appointee ceasing to hold such position that position shall be open as in such excepted class. Upon such appointee ceasing to hold such office by reason of the termination of the tenure of office of said appointing power, said appointee shall be restored to place upon the eligible lists in accordance with such rules and regulations as the commission may prescribe in that behalf. Any position subject to the provisions of this act may be declared exempted by resolution passed by concurrence of the three commissioners. Such resolution shall state separately the reasons for each exemption. Not more than one appointment shall be made to or under any position covered by such resolution unless permission to appoint a different number is given therein. Any exception thus made may be terminated at any time by resolution of the commission. Appointments to exempted positions shall be reported immediately to the commission. The names of each exempted position and the names of the incumbent and the reason for each exemption shall be stated in the biennial reports of the commission.

Sec. 8. Within three months after the commission is constituted, it shall make rules for the classification of positions to be held under state authority to be provided by this act, and subject to the provisions of this act; such rules shall

Position
may be
declared
exempt.

Rules for
classification
of
positions.

govern appointments, transfers, reinstatements, promotions, reductions and removals, and examination of applicants, and the commission may amend such rules from time to time. Such rules shall be printed for public distribution.

Sec. 10. The examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the positions they seek. Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be determined by such evidence and in such manner as the commission may direct; and such applicants may be submitted to such further tests as the commission may require. The commission shall prepare lists of preliminary requirements and subjects of examinations for the several positions, and shall publish its rules and regulations and such information and advertise such examinations in such manner as the nature of the examination may require. The commission, except as may be otherwise provided in the case of laborers, shall require an applicant to file in its office, in accordance with its rules and regulations, a reasonable length of time before the date of examination, a formal application filled out in his own handwriting. Blank forms of such application shall be furnished by said commission without charge to all persons requesting the same. The commission may require in connection with applications, including laborers, such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require. The commission may refuse to examine, or after examination to certify as eligible, anyone who is found to lack any of the established preliminary requirements for the examination or position for which he applies; or who is physically so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has intentionally made a false statement of any material facts, or practiced, or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility. Any person appointed to a position under the provisions of this act who has secured his place on the eligible list through fraud shall be removed by the commission from his position and shall not thereafter be eligible for examination for any position under the provisions of this act except by unanimous permission of the commission. When the position to be filled involves fiduciary responsibility, the appointing power may require the appointee to furnish a reasonable bond or other security, and shall notify the commission of the amount and necessary details thereof.

Character
of exami-
nations.

Preliminary
require-
ments.

Application
blanks.

May refuse
to examine.

Appointing
power may
require
bond.

Temporary
appoint-
ments.

Sec. 11. When there is no eligible list from which a position may be filled, the appointing power may, with the consent of the commission, fill such position by temporary appointment; and such temporary appointment shall not continue for a longer period than three months, nor shall successive temporary appointments be made to the same position under this section without the previous consent of the commission, and in no case shall any person hold a position under such successive temporary appointments for a longer period than six months without the unanimous consent of the commission.

Emergency
appoint-
ments.

Sec. 12. The commission shall establish rules and regulations under which emergency appointments may be made when those on the eligible lists are not immediately available, and for the time for which such emergency appointments shall be valid; and may fix a different time for different counties or cities and counties of the state for which such emergency appointments shall be valid.

Promotions.

Sec. 13. Vacancies in positions shall be filled, so far as practicable by promotion from among persons holding positions in a lower grade of the department, office or institution in which the vacancy exists. Promotion shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his records of efficiency. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules and regulations in force hereunder beyond the limit fixed for the grade in which such office and position is classified, shall be deemed a promotion. The commission may authorize the transfer of any person legally holding a position to a similar position in the same class or grade, and may provide for the reinstatement within one year of persons separated from positions without fault or delinquency on their part, if within that time there is need for their services. No promotion, transfer or reinstatement shall be made from a position in one class to a position in another class, nor shall a person be transferred to or reinstated in a position for original entrance to which there is required by this act or the rules and regulations thereunder an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person.

Transfer.

Employment
of laborers.

Sec. 15. The commission shall provide by rule for the employment of laborers in the labor class in the order of priority of application for employment. There shall be separate lists of applicants for different kinds of labor, and the commission may provide separate labor registration lists for departments, institutions, districts or localities. The commission may require an applicant for registration to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience. The commission shall establish such

time as it may deem expedient for the duration of eligible lists in the labor class.

Sec. 16. It shall be the duty of each appointing power to report to the commission forthwith upon each appointment the name of the appointee, the title or character of the position, the date of the commencement of such service, and the salary or compensation therefor, and to report from time to time, and upon the date of official action in, or knowledge of each case, any separation of the person from the position, or other changes, and such other information as the commission may require in order to keep the roster hereinafter mentioned. The commission shall keep in its office an official roster of all persons holding positions under the provisions of this act and shall enter thereon the name of each and every person who has been appointed to, promoted, reduced, transferred, reinstated or removed from or left any position and require such evidence as it may deem satisfactory as to whether such person was appointed to, promoted, reduced, transferred, reinstated or removed from such position in accordance with the provisions of this act and the rules and regulations of the commission thereunder and as to when and why and how such person was otherwise separated from such position. The official roster shall show opposite, or in connection with, each name, the date of appointment, promotion, reduction, transfer or reinstatement, the compensation of the position, the date of commencement of service and change in or separation from position and when and why and how there was such change or separation. The names of all persons holding positions at the time of the taking effect of this act which if vacant would be filled under the provisions of this act shall be certified to the commission by the appointing power that could then so fill such position if vacant, and such names shall be entered in said roster, and thereupon shall be deemed appointed under the provisions of this act and persons then holding such positions who have served in such positions a less period than one year and more than sixty days from the date of the classification of such positions as required by this act shall be deemed to be serving the probationary period, and persons who have served in such positions for less than such sixty days shall be deemed temporary appointees.

Sec. 17. It shall be unlawful for the controller or other fiscal officer of the state to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state for the payment of, or for the treasurer or other disbursing officer to pay any salary or compensation to any one holding any position under the provisions of this act unless the estimate, pay roll or account for such salary or compensation, containing the name of the person to be paid, shall bear the certificate of the commission that the persons named in such

Reports of
appointees,
etc.

Official
roster.

Certification
of pay rolls.

Certification
of pay rolls.

estimate, pay roll or account are holding positions as provided by this act and the rules and regulations prescribed thereunder. Any sums paid contrary to the provisions of this section may be recovered from any one making such appointment in violation of the provisions of this act and of the rules and regulations prescribed thereunder or from any officer signing, or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, and from the sureties on his official bond in an action in any court of competent jurisdiction of this state maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of such action has paid, a tax therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the state, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action.

Penalty
for false
marking,
grading, etc.

Sec. 18. Any commissioner or examiner, or any person who shall wilfully by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination or registration, according to any rules or regulations prescribed pursuant to the provisions of this act, or who shall wilfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of this act, or aid in so doing, or who shall wilfully make any false representation concerning the same, or concerning the person examined, or who shall wilfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered, shall be deemed guilty of misdemeanor.

Soliciting
prohibited.

Sec. 19. No officer, agent, clerk or employec, under the government of the state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the eligible lists or holding any position under the provisions of this act.

Every officer, agent, clerk or employec under the government of the state who may have charge or control in any building, office, or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same, for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution, and no person shall enter, or remain in any said building,

office or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution contrary to the provisions of this section.

Sec. 20. No one, while holding any public office, or in nomination for, or while seeking a nomination or appointment for, any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any position under the provisions of this act, either in nomination, confirmation, promotion, or increase in salary, or as to any change in any such position, upon a consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration. And no one, being a public officer, or in nomination for, or while seeking nomination or appointment for, any public office or having or claiming to have any authority or influence (whether then possessed or merely anticipated) for the securing or holding of or as to affecting any position under the provisions of this act, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any person on the eligible lists or holding any position under the provisions of this act.

Promise of advancement for political influence prohibited.

Sec. 21. No salary, compensation or other emolument shall be paid to any one appointed to or retained in any position in violation of this act. Any officer approving or paying such salary shall be liable for such sum on his official bond. Whenever the commission shall notify the auditing officer that any position has been filled in violation of this act or any of the rules and regulations thereunder, no demand for the salary or compensation or other emolument of such position shall be approved or paid except upon the order of a court of competent jurisdiction.

No salary to persons appointed in violation of act.

Sec. 22. Any person acting in good faith in accepting appointment or employment contrary to the provisions of this act or of the rules and regulations prescribed thereunder, shall be paid by the appointing power the compensation promised by or on behalf of the appointing power or in case no compensation is so promised than the actual value of any service rendered and the expense incurred in good faith under such attempted appointment or employment, and shall have a cause of action against the appointing power for such sum or sums and for the costs of action. No public officer shall be reimbursed by the state or any of its instrumentalities for any sum so paid or recovered in such action.

Appointing power must pay persons accepting appointment in good faith.

Political or religious opinions not to be considered.

Sec. 23. No recommendation or question or inquiry under the authority of this act shall relate to the political or religious opinions or affiliations of any person, and no appointment or change in or removal from any position under the provisions of this act shall be in any manner affected or influenced by such opinions or affiliations.

Witness fees.

Sec. 24. Witnesses and officers to subpoena and secure the attendance of witnesses before the commission, or any commissioner, or the chief examiner or other authorized agent of the commission, shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. Such fees need not be prepaid, but the controller shall draw his warrant for the payment of the amount thereof when the same shall have been certified to by the commission and duly proved by affidavit or otherwise to the satisfaction of the controller.

Penalty.

Sec. 25. Any person wilfully violating any of the provisions of this act shall be guilty of a misdemeanor.

Veteran defined.

Sec. 26. The term "veteran" as used in this act means and includes any person who has served in the United States army, navy, marine corps, revenue marine service, or as an active nurse in the service of the American Red Cross or in the army and navy nurse corps, during or prior to the war between the United States and the Central European Powers and who has not been dishonorably discharged from such service.

Preference to veterans.

Sec. 27. When proper proof is presented to the state civil service commission that an applicant is a veteran, as defined in this act, and such veteran stands equal in percentage in any civil service examination for original entrance into the public service, with any other applicant or applicants taking the same examination, it shall be the duty of the state civil service commission to show such veteran preference by giving him the higher rank.

SEC. 2. A new section is hereby added to said act approved June 16, 1913, to be numbered twenty-eight, and to read as follows:

Purpose of act to give preference to veterans.

Sec. 28. It is the purpose of this act to give preference, in the manner set forth in the foregoing section, to all persons who have served the government and the people in the army, navy, marine corps, revenue marine service, or as active nurses in the American Red Cross or the army and navy nurse corps, and particularly to persons who have rendered such service during the Ally-Germanic war, the Spanish-American war, the Philippine insurrection, the Boxer uprising, the Indian wars, or the Civil war.

SEC. 3. A new section is hereby added to said act approved June 16, 1913, to be numbered twenty-nine, and to read as follows:

Interpretation by court.

Sec. 29. Whenever this act or any part or section thereof is interpreted by a court, it shall be liberally construed by such court.

SEC. 4. A new section is hereby added to said act approved June 16, 1913, to be numbered thirty, and to read as follows:

Sec. 30. If any section, subsection, subdivision, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 5. A new section is hereby added to said act approved June 16, 1913, to be numbered thirty-one, and to read as follows:

Sec. 31. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent with the provisions of this act. Repealed.

Sec. 6. Inasmuch as the United States military and naval forces are being demobilized and those who went into the federal service are suddenly returning in great numbers to their homes; and inasmuch as this act will assist them to re-employment, thereby simplifying the problems of reconstruction, it is hereby declared that this act is an emergency measure necessary for the immediate preservation of the public peace, health and safety, under the provisions of section one of article four of the constitution of the State of California and that this act shall take effect immediately. Emergency measure.

CHAPTER 655.

An act amending section five hundred thirty-four of the Political Code, relating to the salary of the deputy state printer.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred thirty-four 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 three thousand dollars per annum. Salaries of superintendent of state printing and deputy.

CHAPTER 656.

An act to amend sections four hundred thirty-nine and four hundred forty of the Political Code, relating to employees of the controller's office and their salaries.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred thirty-nine of the Political Code is hereby amended to read as follows:

Assistants
to con-
troller.

439. The controller may appoint one deputy controller, one bookkeeper, one redemption tax expert, one statistician, one warrant registrar, one superintendent franchise tax department, one franchise tax expert, and seven clerks, who shall be civil executive officers; and one stenographer-clerk, and one stenographer.

SEC. 2. Section four hundred forty of the Political Code is hereby amended to read as follows:

Salaries.

440. The annual salary of the deputy controller is three thousand dollars; of the bookkeeper, two thousand four hundred dollars; of the redemption tax expert, two thousand four hundred dollars; of the statistician, two thousand four hundred dollars; of the warrant registrar, two thousand four hundred dollars; of the superintendent franchise tax department, two thousand four hundred dollars; of the franchise tax expert, two thousand four hundred dollars; of two clerks, one thousand eight hundred dollars each; of five clerks, one thousand six hundred dollars each; of the stenographer-clerk, one thousand five hundred 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.

CHAPTER 657.

An act to amend section three of an act entitled "An act to provide for the appointment of a guardian for the Marshall monument and grounds, prescribing his duties and appropriating money therefor," approved March 31, 1891.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Stats. 1891,
p. 424.

SECTION 1. Section three of an act entitled "An act to provide for the appointment of a guardian for the Marshall monument and grounds, prescribing his duties and appropriating money therefor," approved March 31, 1891, is hereby amended to read as follows:

Salary of
guardian of
Marshall
monument.

SEC. 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.

CHAPTER 658.

An act appropriating money to pay the claim of Los Angeles county against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred forty-nine and no one-hundredths dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Los Angeles county against the State of California. The state controller is hereby directed to draw his warrant in favor of Los Angeles county for said amount of one hundred forty-nine and no one-hundredths dollars, and the state treasurer is hereby directed to pay the same.

Appropriation: claim of Los Angeles county.

CHAPTER 659.

An act appropriating money for the furnishing of the guardian's cottage at Marshall monument, under the direction of Fort Sutter trustees.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used for the furnishing of the guardian's cottage at or near Marshall monument, the furnishing thereof to be under the direction of the Fort Sutter trustees.

Appropriation: furnishing of guardian's cottage at Marshall monument.

CHAPTER 660.

An act to amend section four hundred thirteen of the Political Code, relating to the salaries of the appointees and deputy of the secretary of state.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred thirteen of the Political Code is hereby amended to read as follows:

413. The annual salary of the deputy of the secretary of state is three thousand dollars; of the bookkeeper, two thousand four hundred dollars; of the keeper of the archives, two

Salaries of assistants to secretary of state.

Salaries of
assistants
to secretary
of state.

thousand dollars; of each of three of the recording clerks, one thousand eight hundred dollars; of each of three of the recording clerks, one thousand six hundred dollars; of the register clerk, one thousand eight hundred dollars; of each of the certificate clerks, one thousand six hundred dollars; of the statistician, two thousand four hundred dollars; of the superintendent and cashier of the corporation license tax department, two thousand four hundred dollars; of each of five clerks of the corporation license tax department, one thousand eight hundred dollars; of one clerk in the corporation license tax department, one thousand six hundred dollars; of the porter for the office of the secretary of state, seven hundred twenty dollars; of the porter for the corporation license tax department, three hundred 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 each of the special clerks serving from January first to May first in each legislative year, one hundred twenty-five dollars. All such salaries are payable in the same manner and at the same time as other state officers.

CHAPTER 661.

An act appropriating money to pay the claim of R. A. La Cava against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: claim of R. A. La Cava.

SECTION 1. The sum of one hundred fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of R. A. La Cava against the State of California. The state controller is hereby directed to draw his warrant in favor of R. A. La Cava for said sum of one hundred fifty dollars and the state treasurer is hereby directed to pay the same.

CHAPTER 662.

An act appropriating money to pay the claim of C. R. Elder against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Appropriation: claim of C. R. Elder.

SECTION 1. The sum of two thousand one hundred seventy-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of

C. R. Elder against the State of California. The state controller is hereby directed to draw his warrant in favor of C. R. Elder for said sum of two thousand one hundred seventy-five dollars and the state treasurer is hereby directed to pay the same.

CHAPTER 663.

An act making an appropriation to pay the claim of the Southern Trust and Commerce Bank of San Diego, California, against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand eighty-three dollars and thirty-seven cents, to pay the claim of the Southern Trust and Commerce Bank against the State of California.

Appropriation: claim of Southern Trust and Commerce Bank.

CHAPTER 664.

An act appropriating money to pay the claim of Frank J. Sullivan against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of eight hundred dollars to pay the claim of Frank J. Sullivan against the State of California.

Appropriation: claim of Frank J. Sullivan.

CHAPTER 665.

An act appropriating money to pay the claim of the Agnew Sanitarium against the State of California.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of forty-six dollars and ninety-five cents, to pay the claim of the Agnew Sanitarium against the State of California.

Appropriation: claim of Agnew Sanitarium.

CHAPTER 666.

An act making provision for registration of and for publicity concerning the affairs of any charity for the support of which an appeal is made to the public, and prescribing penalties for violation of the provisions hereof.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

Registration
of charities.

SECTION 1. In any county or city and county in this state it shall be unlawful to make any appeal to the public for a charity either by soliciting donations or subscriptions or by promoting any bazaar, sale or exhibition, or by any similar means, unless the charity is registered with the county board of public welfare.

Information
given.

SEC. 2. For the purposes of this act, any charity may be registered with the county board of public welfare upon the giving of such information in respect to the conduct of its affairs as may be necessary to enable the board properly to investigate the charity. If the board of public welfare approves or disapproves of the proposed appeal to the public in a particular case, such approval or disapproval with the reasons therefor shall be entered in a separate book with the records of the board, and shall be open to public inspection. Such an approval shall not be deemed a guarantee or endorsement as to the proper conduct of the affairs of a charity, but it is hereby authorized for the purpose of making such information available to the public whenever an appeal is made.

Registration
with board
of super-
visors.

SEC. 3. In any county or city and county in which there is no board of public welfare, the registration herein provided for shall be made with the board of supervisors, and this board shall exercise the powers and duties hereby conferred or imposed upon the board of public welfare.

Penalty.

SEC. 4. Any person, firm or corporation violating any of the provisions of this act is guilty of a misdemeanor.

Exceptions.

SEC. 5. The provisions of this act shall not apply to the solicitation of gifts, contributions or donations for religious purposes; or for the specific personal aid of any particular individual or individuals; or for the meeting of extraordinary emergencies or calamities where time is of the essence of merited succor and relief.

CHAPTER 667.

An act to amend section one hundred three of the Code of Civil Procedure, relating to justice's courts and justices.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred three of the Code of Civil Procedure is hereby amended to read as follows:

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two 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 of the first and one-half class there must be five justices of the peace, and in every city of the second class there must be two justices of the peace, and in every city of the second and one-half class there must be one justice of the peace, and in every city of the third and fourth classes there must be one justice 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 shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justice's courts. Said justices of the peace of cities and justice's 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, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police courts, recorder's court or mayor's courts, within such city. No person is eligible to the office of justice of the peace in any city of the first, first and one-half, second, second and one-half or third class, who has not been admitted to practice law in this state: and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city of the first and one-half class shall receive a salary of four thousand two hundred dollars per annum, and every city justice of the peace in any city of the second class shall receive a salary of four thousand dollars per

Justices' courts in townships.

In counties.

In cities of various classes.

Jurisdiction.

Qualifications.

Salaries.

Salaries
of city
justices.

annum, and every city justice of the peace in any city of the second and one-half class shall receive a salary of three thousand dollars per annum, and every city justice of the peace in any city of the third class shall receive a salary of two thousand dollars per annum, and every city justice of the peace in any city of the fourth class shall receive a salary of one thousand five hundred dollars per annum; and each justice of the peace shall be provided by the city authorities, or by the board of supervisors in counties where the salary of the city justice of the peace is paid by the county, with a suitable office in which to hold his court. The compensation of the justice of the peace of any city 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 county, as the case may be, such warrants to be audited and paid as salaries of any other city or county officials. All fees which are chargeable by law for services rendered by such city justice of the peace in cities aforesaid shall be by them respectively collected, and on the first Monday of each month every such city justice, or his clerk, shall make a report, under oath, to the city or county treasurer, as the case may be, of the amount of fees so by him collected and pay the amount so collected into the city or county treasury, as the case may be, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

Fees.

CHAPTER 668.

An act to amend section seven hundred nineteen of the Political Code, relating to the employment by the superintendent of capitol building and grounds, of gardeners, laborers, porters, and other help and fixing the compensation of such employees.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred nineteen of the Political Code is hereby amended to read as follows:

Employees
of superin-
tendent of
capitol
building
and grounds.

719. The superintendent may employ such competent assistant gardeners at a salary of one hundred dollars each per month, and such regular and temporary laborers, porters and other help for the proper conduct and care of the capitol and grounds, as may be deemed necessary by said superintendent and the state board of control; said laborers, porters and other help shall receive as compensation for their services from three dollars and fifty cents to four dollars per diem each; said wages shall be paid only from money appropriated for such purposes. Such assistant gardeners and regular laborers, porters, appointees and employees shall have the power of peace officers.

CHAPTER 669.

An act granting to the city of Monterey the title to the water-front of said city in the bay of Monterey.

[Approved May 27, 1919. In effect July 27, 1919.]

The people of the State of California do enact as follows:

SECTION 1. The State of California does hereby cede, grant and relinquish forever, unto the city of Monterey, a municipal corporation organized and existing under and by virtue of the laws of the State of California, all the right, title, interest and estate whatsoever of the said State of California, of, in and to, all the real estate, lands and property situate within the corporate limits of said city of Monterey, and bounded and described as follows, to wit: Commencing at a point where the line of the corporation limits of said city strikes the bay of Monterey on the north, and running along the entire water front thereof in a southerly and westerly direction to the point where the southern or western boundary of said city strikes the said bay, comprising the entire water front of said city, out to a depth of sixty feet at low tide water; *provided*, that the rights of all persons, if any exist, under any title derived from said State of California, in and to any part of said property and premises hereby ceded and granted, be and the same are hereby reserved from the operation of this act.

Lands
granted to
Monterey..

SEC. 2. The entire water front hereby granted shall be held by the city of Monterey and its lawful successors forever, for the use and benefit of said city, and shall not be subject to execution upon any judgment against said city, but from time to time, may be let or leased for a term not exceeding fifty years, as the said city or its successors may deem to be most advantageous to said city; *provided*, that not more than three hundred feet frontage of said water front shall be leased to one lessee; *and provided, further*, that at and upon any wharf erected or built upon property so leased any and all vessels shall have a right to dock, land and discharge passengers or merchandise upon payment to such lessee or lessees of reasonable dockage and wharfage. The dockage and wharfage shall be regulated and prescribed in such lease, and as thereafter, from time to time, may be determined by ordinance or resolution of said city of Monterey or by statute of the State of California.

Conditions
of grant.

SEC. 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealed.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

Senate Joint Resolution No. 4—Relative to the ratification of an amendment to the constitution of the United States, proposed by the congress of the United States of America, relating to intoxicating liquors.

[Filed with Secretary of State January 15, 1919.]

WHEREAS, the sixty-fifth congress of the United States of America, at its second session, has adopted Senate Joint Resolution No. 17, two-thirds of each house concurring therein, proposing an amendment to the constitution of the United States, in the following words, to wit:

Ratification
of amend-
ment to
United
States
constitution
relating to
intoxicating
liquors.

“JOINT RESOLUTION proposing an amendment to the constitution of the United States.

“*Resolved by the Senate and House of Representatives of the United States of America in congress assembled* (two-thirds of each house concurring therein), That the following amendment to the constitution be, and hereby is, proposed to the states, to become valid as a part of the constitution when ratified by the legislatures of the several states as provided by the constitution:

“ARTICLE -----

“SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

“SEC. 2. The congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

“SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of the several states as provided in the constitution, within seven years from the date of the submission hereof to the states by the congress.”

AND WHEREAS, Said proposed amendment will be valid as part of the constitution of the United States when ratified by the legislatures of three-fourths of the several states; therefore be it

Resolved by the senate and the assembly of the legislature of the State of California, jointly, at its forty-third session, commencing on the sixth day of January, 1919, a majority of all the members elected to each house of said legislature voting in favor thereof, that the said proposed amendment be and

the same is hereby ratified by the legislature of the State of California.

Resolved, further, That certified copies of the foregoing preamble and resolution be forwarded by the governor of the State of California to the President of the United States, the secretary of state of the United States, the president of the senate of the United States, and the speaker of the house of representatives of the United States.

CHAPTER 2.

Senate Concurrent Resolution No. 1—Approving amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of August, nineteen hundred eighteen.

[Filed with Secretary of State January 17, 1919.]

Oakland
city charter
amendments.

WHEREAS, Proceedings have been had and taken for the proposal, submission, adoption, and ratification of certain amendments hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city of Oakland, to wit:

State of California	} ss.
County of Alameda	
City of Oakland	

Certificate.

We, the undersigned, John I. Davie, Mayor of the City of Oakland, State of California, and L. W. Cummings, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation, in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the 1st day of July, 1911, and is now, organized, existing, and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 8th day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 15th day of February, 1911 (Statutes of 1911, p. 1551;)

That in pursuance of section 8 of article XI of the constitution of the State of California, on its own motion, the Council of the City of Oakland, being the legislative body of said City, by and in pursuance of Resolution No. 16974 N. S., passed by

the said Council on the 12th day of July, 1918, and by and in pursuance of Resolution No. 17116 N. S., passed by said Council on the 16th day of August, 1918, duly submitted to the qualified electors of said City of Oakland certain proposals for the amendment of the charter of said City, to be voted on by said qualified electors at a special election called for that purpose and held in said City on the 27th day of August, 1918, which said proposals were and are in words and figures following, to-wit:

1.

That subdivision (2) of Section 30 of said charter be amended to read as follows:

THE CITY ATTORNEY.

(2). The City Attorney shall be appointed by the Council. ^{City} He must be at the time of his appointment a citizen of the ^{attorney.} United States and qualified to practice in all the courts of this State, and he must have been so qualified, and have been a resident of the City of Oakland for five years next preceding his appointment.

He shall prosecute and defend for the City all actions at ^{Duties.} law or in equity and all special proceedings for or against the City, and shall represent the City in all other actions or proceedings in which the rights and interests of the City are concerned; and whenever any cause of action in law or in equity or by special proceeding exists in favor of the City he shall commence the same when directed to do so by the Mayor or by the Council. He shall give legal advice in writing to all officers and boards named in this Charter when requested in writing so to do by them, or any of them, upon questions arising in their separate departments involving the rights or liabilities of the City. He shall also represent and defend any member of the Police Department or Fire Department in any civil action that may be brought against such member on account of any act committed by him while in the performance of his duty. The form and legality of all contracts made by the City or by any officer or board thereof shall be submitted to and passed on by the City Attorney before execution. He shall not settle or dismiss any litigation for or against the City under his control unless upon his written recommendation he is ordered so to do by the Council.

He shall keep on file in his office all written opinions given by him to any officer, board or department, the briefs and transcripts used in causes where he appears, and bound books of record and registry of all actions or proceedings under his charge in which the City is interested.

He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the City, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

2.

Oakland
city charter
amendments.

That Sections 97, 98, 99, 100, 100½, 101, 102, 103 and 104 of said Charter be respectively amended to read as follows:

That Section 97 of said Charter be amended to read as follows:

POSITIONS AND SALARIES.

Fire
department.

SECTION 97. The Fire Department shall consist of the following positions and the respective ranks thereof shall be in the order as in this paragraph enumerated:

1. Chief of the Fire Department.
2. First Assistant Chief of the Fire Department.
3. Second Assistant Chief of the Fire Department.
4. Battalion Chiefs.
5. Superintendent of Engines.
6. Captains.
7. Lieutenants.
8. Engineers.
9. Chiefs' Operators.
10. Stokers and Hosemen.

Provided that the City Council may create other positions as the necessity of the City may require.

There shall be not less than the following number of occupants of said positions, to-wit:

- One Chief of the Fire Department.
- One First Assistant Chief of the Fire Department.
- One Second Assistant Chief of the Fire Department.
- Four Battalion Chiefs.
- One Superintendent of Engines.
- Seven Captains.
- Twenty-one Lieutenants.
- Twenty-one Engineers.
- Six Chiefs' Operators.
- Thirteen Stokers and one hundred sixty-two Hosemen.

Provided that the City Council may increase the number of occupants of said positions as the necessity of the City may require.

Promotions.

Promotions in the Fire Department shall be based on ascertained merit, seniority of service and standing upon competitive examination; and in all cases, where practicable, vacancies shall be filled by promotion from among such members of the next lower rank, without further physical examination or agility test, as present themselves for examination for promotion. Appointment to the lowest rank in the department shall be made from those highest on the eligible list.

Reduction
or increase of
department.

In case the Fire Department is reduced for any reason, the last member or members appointed shall be the first ones laid off and so on in rotation until the required number is reached. When the department is increased at any time, any member or members previously laid off pursuant to a reduction in the

number of members of the department shall be reinstated in the order of their original certification.

The holders of all positions in the Fire Department are members of the said Fire Department.

The members of the Fire Department shall receive annual ^{Salaries.} compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit: Chief of the Fire Department, thirty-six hundred dollars; First Assistant Chief of the Fire Department, twenty-seven hundred dollars; Second Assistant Chief of the Fire Department, twenty-four hundred dollars; Battalion Chiefs, each twenty-one hundred dollars; Superintendent of Engines, twenty-one hundred dollars; Captains, each eighteen hundred and fifty dollars; Lieutenants, each seventeen hundred and forty dollars; Engineers, each seventeen hundred and forty dollars; Chiefs' Operators, each sixteen hundred and twenty dollars; Stokers and Hosemen, each fifteen hundred and sixty dollars.

Said compensations shall be paid in equal monthly installments.

There shall be allowed to each member of the Fire Department, in addition to their salaries, the sum of two dollars per month for the Firemen's Relief and Pension Fund, which said two dollars a month shall be retained by the Treasurer of the said City and forthwith paid by the said Treasurer into the said Firemen's Relief and Pension Fund. ^{Allowance for firemen's relief and pension fund.}

No other or further deduction shall be made from the pay of any member of the department for any fund or purpose, unless the same is authorized by this Charter.

No compensation or salary less than herein specified shall be paid to any member of the department in the ranks above enumerated. When temporary vacancies are caused in the department in any rank above Stoker and Hoseman by sickness, injury, temporary retirement, leaves of absence, vacations or otherwise, the Chief of the Fire Department may assign a member of the department to the position so vacated from the next lower rank and from the eligible list of the Civil Service Board, if there be such eligible list, to fill said position until such time as the absent member shall return. When any such vacancy is caused in the rank of Stoker and Hoseman, the Chief of the Fire Department may assign a person to such vacancy from the eligible list of the Civil Service Board to fill said position until such time as the absent member shall return. Any member or person so assigned to fill such temporary vacancy shall receive the salary attached to the rank to which he may be assigned; and any person who was not previously a member of the Fire Department, who may receive such a temporary assignment, shall be a member of the department during the time of such assignment. ^{Temporary vacancies.}

All members of the Fire Department occupying any of the ranks hereinbefore enumerated and who shall be in good standing in the department at the time this amendment to the

Oakland
city charter
Amendments.

Charter takes effect, shall be retained in their respective positions, except as otherwise in this Charter provided.

That Section 98 of said Charter be amended to read as follows:

QUALIFICATIONS:

Qualifi-
cations.

Section 98. No person shall become a member of the Fire Department unless he shall be a citizen of the United States of good character for honesty and sobriety, able to read and write the English language and a resident of the City of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the City of Oakland, shall be deemed to satisfy this provision. Every member of the department shall be not less than twenty-one, nor more than thirty-five years of age at the time of his appointment and before his appointment must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

That Section 99 of said Charter be amended to read as follows:

APPOINTMENTS—

Duties of the Chief of the Fire Department.

Appointment
of members
of depart-
ment.

Section 99. The Chief of the Fire Department, the First Assistant Chief of the Fire Department, the Second Assistant Chief of the Fire Department, the Battalion Chiefs, Superintendents of Engines, Captains, Lieutenants, Engineers, Chiefs' Operators, Stokers and Hosemen and any others who shall be appointed members of the department, shall be appointed by the Commissioner of Public Health and Safety, subject to the Civil Service provisions of this Charter.

The Chief of the Fire Department shall be appointed subject to confirmation by the City Council.

Duties of
chief.

The Chief of the Fire Department shall be the chief executive of the Fire Department. He shall be charged with the special duty of superintending the extinguishment of fires. He shall have immediate control and management of all fire engines and fire apparatus belonging to the city, and all members of the Fire Department shall be under his immediate control and command. He shall diligently observe the condition of the apparatus and workings of the department and shall see that all laws, orders, rules and regulations in force, or that may be made by the Council relating to the Fire Department, are enforced. He shall submit, in writing, at least once each month to the Commissioner of Public Health and Safety, a statement of the number of men employed, their compensation, the condition of the department, and make such recommendations and suggestions respecting the same as he may deem proper. He shall have such other powers and perform such other duties as may be provided for by ordinance. In the absence or inability

of the Chief of the Fire Department, an Assistant Chief of the Fire Department shall perform his duties.

That Section 100 of said Charter be amended to read as follows:

LEAVES OF ABSENCE.

Section 100. Each member of the Fire Department shall be entitled to fifteen days vacation annually with full pay; such vacation shall be had at such time as the Chief of the Fire Department shall direct. Each member of the Fire Department shall be allowed a leave of absence, with full pay, of not less than twenty-four hours duration every fifth day. A member becoming incapacitated for duty by reason of sickness shall be entitled to sixty days sick leave without loss of pay. If such sickness shall continue, he shall be entitled to half-pay for an additional period of sixty days, and if such sickness shall continue further, he shall receive such pay, if any, as the Council shall direct. A member on sick leave shall present such certificate of a reputable physician as the Chief of the Fire Department may direct.

Leaves of absence.

That Section 100½ of said Charter be amended to read as follows:

ALLOWANCE FOR INJURY.

Section 100½. Any member of the Fire Department sustaining an injury while in the performance of his duty shall be entitled to receive, in addition to the sick leave provided for, such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may be required during the continuance of his disability, the same to be provided for by the City; and the Council shall allow the member so injured full pay during the continuance of his disability or until such time as he may be retired on a pension.

Allowance for injury

That Section 101 of said Charter be amended to read as follows:

FIREMEN'S RELIEF AND PENSION FUND.

Section 101. A fund is hereby created to be known and designated as the Firemen's Relief and Pension Fund. The Mayor, the Commissioner of Revenue and Finance, and the Commissioner of Public Health and Safety shall constitute a Board of Trustees of such fund, and the City Treasurer shall be the custodian of said fund.

Firemen's relief and pension fund.

That Section 102 of said Charter be amended to read as follows:

Section 102. The said Board of Trustees may retire and relieve from service any aged, infirm, or disabled member of the department who has arrived at the age of fifty-five years, and who, upon examination by two regularly licensed and practicing physicians, appointed by the Trustees for that purpose may be ascertained to be, by reason of such age, infirmity,

Retirement.

Oakland
city charter
Amendments.

or other disability, unfit for the performance of his duty said Board of Trustees shall, at the request of any member of the department who has arrived at the age of fifty-five years, and who shall have served twenty years in the aggregate in the department, retire and relieve such member making such application. And the said Board of Trustees shall, upon the request of any member of the Fire Department who has served twenty-five years in the aggregate as a member of said Fire Department, retire and relieve said member making such application. Such retired member shall receive from the Firemen's Relief and Pension Fund a pension equal to one-half of the salary attached to the rank held by him one year prior to the date of said retirement, which pension shall to be paid in equal monthly installments and shall cease at the death of such member.

That Section 103 of said Charter be amended to read as follows:

Physical
disability
through
injury.

Section 103. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty upon his filing with the Board of Trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the Chief of the Fire Department, the Chief of the Battalion to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one-half the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him in equal monthly installments during the balance of his lifetime and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in rank he occupied at the time of his retirement; provided that the said Board of Trustees may of its own motion retire any member who shall become physically disabled by reason of any bodily injury received in the performance of his duty, who upon examination by two regularly licensed and practicing physicians appointed by the Trustees for that purpose, may be ascertained to be by reason of such disability unfit for the performance of his duty.

That Section 104 of said Charter be amended to read as follows:

Compensation for
family.

Section 104. (1) The Board of Trustees shall, out of the Firemen's Relief and Pension Fund, provide for the family of a member of the department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death, which pension shall be payable in equal monthly installments.

(b) Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, or should the decedent leave a widow, and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years, such child, or children collectively, shall receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years, provided, that no child shall receive any such pension after attaining the age of sixteen years; such pension shall be payable in equal monthly installments.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death during such time as the Board of Trustees may determine its necessity, such pensions to be paid in equal monthly installments.

(2) When a member of the department shall die from causes other than those specified in subdivision one (1) of this section, after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother if dependent upon him for support, shall be entitled to the sum of one thousand (\$1000) dollars.

(3) Any member of the Fire Department receiving a pension from the Firemen's Relief and Pension Fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this state, except on leave by the Board of Trustees, shall forfeit all right to said pension. Forfeiture of pension.

(4) The Board of Trustees may, on notice from the Chief of the Fire Department, reward any member of the department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the Board of Trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the Council; and the Council may, on application of the Board of Trustees, provide money for such purposes. Reward for heroic conduct.

(5) The Board of Trustees shall hold quarterly meetings in April, July, October and January of each year and special meetings upon the call of its President; it shall issue warrants, signed by its President and Secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the Firemen's Relief and Pension Fund. Each warrant shall state for what purpose the payment is made. Powers and duties of Board of Trustees.

(6) The Board of Trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payments from the Firemen's Relief and Pension Fund, stating the amount of such payment and for

Oakland city charter Amendments.

what granted; such lists shall be certified and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the Firemen's Relief and Pension Fund book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor and ordered paid by him out of said fund.

(7) The Board of Trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the Board of Trustees for any duty required or performed as a member of said Board of Trustees.

(8) The Board of Trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the Commissioner of Revenue and Finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city, and the Council shall, on application of the said Board of Trustees provide the necessary money for the demands of this pension fund.

3.

That a new subdivision be added to Section 51 of said Charter to be known as Subdivision (62½) and to read as follows:

Appropriations for pension fund.

(62½) It shall be the duty of the City Council and it shall have the power to make all necessary appropriations to go into the Firemen's Relief and Pension Fund as the demands upon such fund may require, as evidence by the application of the Board of Trustees of said fund.

4.

That Sections 91, 92 and 92½ of said Charter be respectively amended to read as follows; and that Subdivision (9) of Section 96 of said Charter be repealed.

That Section 91 of said Charter be amended to read as follows:

Police department salaries.

Section 91. The officers and members of the Police Department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Chief of Police	-----	\$3,600.00
Captain of Inspectors	-----	2,400.00
Captains of Police	-----	2,200.00
Lieutenants	-----	1,920.00
Inspectors	-----	1,860.00
Assistant Inspectors	-----	1,740.00
Sergcants	-----	1,740.00
Corporals	-----	1,620.00
Patrolmen	-----	1,560.00

Said compensations shall be paid in equal monthly installments.

There shall be allowed to each officer and member of the police department in addition to their salaries the sum of \$2.00 per month for the Police Relief and Pension Fund, which said \$2.00 per month shall be retained by the Treasurer of the said City and forthwith paid by the said Treasurer into the said Police Relief and Pension Fund. Allowance for police relief and pension fund.

No other or further deduction shall be made from the pay of any officer or member of the department for any fund or purpose unless the same is authorized by this Charter.

No compensation or salary less than those herein specified shall be paid to any officer or member of the police department and no rank or grade other than those herein specified shall be created in said department.

When a temporary vacancy is caused in the department in any rank above patrolman by sickness, injury, temporary retirement, leave of absence, vacation, or otherwise, the Chief of Police may assign an officer or member of the department to the position so vacated from the next lower rank and from the eligible list of the Civil Service Board, if there be such eligible list, to fill said position until such time as the absent officer or member shall return. When any such vacancy is caused in the rank of patrolman the Chief of Police may assign a person to such vacancy from the eligible list of the Civil Service Board to fill said position until such time as the absent member shall return. Any officer, member or person so assigned to fill such temporary vacancy shall receive the salary attached to the rank to which he may be assigned and any person who was not previously a member of the Police Department who may receive a temporary assignment as patrolman shall be a member of the department during the time of such assignment. Temporary vacancies.

Persons holding the position of Police Patrol Wagon Driver or Chauffeur in the Police Department at the time this amendment to the Charter takes effect and who shall then have served at least ten years in such position shall be ranked as patrolmen and receive the same compensation as the other patrolmen of the department.

That Section 92 of said Charter be amended to read as follows:

Section 92. Each officer or member of the Police Department shall be entitled to fifteen days vacation annually with full pay. Such vacations shall be at such times as the Chief of Police may direct. Each officer or member of the Police Department shall have one day off duty each week with full pay at such times as the Chief of Police may direct. An officer or member becoming incapacitated for duty by reason of sickness shall be entitled to sixty days' sick leave without loss of pay. If such sickness continue he shall be entitled to half pay for an additional period of sixty days and if his sickness shall further continue he shall receive such pay, if any, as the Council may direct. An officer or member on sick leave shall Vacations. Sick leave

Oakland
city charter
Amendments.

present such certificate of a reputable physician as the Chief of Police may direct.

That Section 92 $\frac{1}{2}$ of said Charter be amended to read as follows:

Allowance
for injury

Section 92 $\frac{1}{2}$. Any officer or member of the Police Department sustaining an injury while in the performance of his duty shall be entitled to receive in addition to the benefits otherwise provided in Article XIV of this Charter such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may be required during the continuance of his disability, the same to be provided by the City; and the Council shall allow such officer or member so injured full pay during the continuance of his disability, or until such time as he may be retired on a pension.

Repealed.

That Subdivision (9) of Section 96 of said Charter be repealed.

That said proposed amendments were and each of them was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, in the "Oakland Enquirer," a daily newspaper of general circulation published in said City of Oakland, and the official paper and newspaper of said city;

That copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Oakland Enquirer" that such copies could be had upon application therefor at the office of the City Clerk of the City of Oakland;

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described;

That, the Council of the City of Oakland, the legislative body of said city, by its Resolution No. 17116 N. S., adopted on the 16th day of August, 1918, did order the holding of a special municipal election in said City of Oakland on the 27th day of August, 1918, said day being at least forty days after the completion of advertising of said proposed amendments in said official paper of said city, and not more than sixty days after the completion of such advertising, and did provide in said resolution for the submission of the proposed amendments to the charter to the qualified electors of said city for their ratification at such election;

That said election was duly called and held on the 27th day of August, 1918, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of the proposed amendments to the charter of the City of Oakland hereinabove set forth;

That the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said city voting thereon had voted for and ratified each and all of said proposed amendments to said charter hereinabove set forth. Ratification
of
amendments.

And we further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Oakland with the original proposals submitting the same to the electors of said city at an election held on the 27th day of August, 1918, and find that the foregoing is a full, true, correct, and exact copy thereof.

IN WITNESS WHEREOF we have herunto set our hands and caused the seal of said City of Oakland to be affixed hereto, this 7th day of January, 1919.

JOHN L. DAVIE,
Mayor of the City of Oakland.

[SEAL.]

L. W. CUMMINGS,
City Clerk of the City of Oakland.

AND WHEREAS, the said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration, in accordance with section 8 of article XI of the constitution of the State of California; now therefore be it

Resolved by the senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of, the charter of said City of Oakland. Approval by
legislature.

CHAPTER 3.

Assembly Concurrent Resolution No. 6—Relative to the adjournment of the legislature for the constitutional recess and to the reassembling of the legislature after said recess and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 21, 1919.]

WHEREAS, Section two of article four of the constitution of the State of California requires that, after the legislature has been Adjournment
for constitu-
tional recess.

in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the assembly, the senate concurring, That the forty-third session of the legislature of the State of California shall adjourn for said recess at twelve o'clock noon on Friday, January 24, 1919, and shall reassemble at the hour of twelve o'clock noon on Monday, February 24, 1919.

CHAPTER 4.

Assembly Concurrent Resolution No. 1—Relative to canvassing vote for governor and lieutenant governor.

[Filed with Secretary of State January 21, 1919.]

Canvassing
vote for
governor and
lieutenant
governor.

Resolved by the assembly, the senate concurring, That the senate and assembly meet in joint session in the Assembly Chamber at eleven o'clock in the morning of Tuesday, January 7, 1919, for the purpose of being present when the speaker of the assembly shall open and publish the returns of the election for governor and lieutenant governor, as provided and required by article five, section four, of the constitution of the State of California.

CHAPTER 5.

Assembly Concurrent Resolution No. 2—Relative to the appointment of committee on joint rules.

[Filed with Secretary of State January 21, 1919.]

Committee
on joint
rules.

Resolved by the assembly, the senate concurring, That a special committee of four members of the assembly, including the speaker, be appointed by the speaker of the assembly, and that the senate be invited to appoint a committee of three members, including the president pro tempore of the senate, to confer with the assembly committee, to recommend to the two branches of the legislature measures in the interest of expediting the business of this session, including the submission of a set of joint rules which shall serve as a guide for all joint actions of the senate and assembly.

CHAPTER 6.

Senate Concurrent Resolution No. 2—Approving twelve certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified

by the electors of said city and county of San Francisco, at a general election held therein on the fifth day of November, 1918.

[Filed with Secretary of State January 21, 1919.]

WHEREAS, The City and County of San Francisco, State of California contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine; and

San Francisco city and county charter amendments.

WHEREAS, The legislative authority of said city and county, namely, the Board of Supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco twenty-three certain amendments to the charter of said city and county of San Francisco by the submission of twenty-three proposals, numbered from twenty-six to forty-eight both inclusive, entitled as follows, to wit:

CHARTER AMENDMENT No. 26.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new article thereto designated as Article XIV-B relating to the creation of a fund for the relief of dependents of soldiers, sailors and marines.

CHARTER AMENDMENT No. 27.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by adding a new section to Article XII designated as Section 17, relating to an alternative method for the acquisition of any public utility or the whole or any part of the property devoted to such public utility and the payment therefor.

CHARTER AMENDMENT No. 28.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new section to Article XVI to be designated as Section 43 relating to pensions of any officer or member of

San Fran-
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and county
charter
amendments.

the Fire Department serving in United States military or naval forces.

CHARTER AMENDMENT No. 29.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XIII to be designated as Section 21, relating to leave of absence of persons in United States military or naval service.

CHARTER AMENDMENT No. 30.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XIII to be known as Section 2-A relating to the standardization of salaries.

CHARTER AMENDMENT No. 31.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 19, Chapter II of Article XI, relating to method of counting votes at elections.

CHARTER AMENDMENT No. 32.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending subdivision 15 of Section 1 of Chapter II of Article II relating to the power to impose license taxes.

CHARTER AMENDMENT No. 33.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the said City and County by adding a new subdivision to Section 1 of Chapter III of Article VIII relating to permits for pawnbrokers, peddlers and similar callings.

CHARTER AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1, Chapter II, Article II of said Charter by adding thereto a new subdivision to be known and designated as Subdivision 43-A, relating to the acceptance of the devise and bequest of Ignatz Steinhart, deceased, of the sum of \$250,000 for the erection and completion of an Aquarium.

CHARTER AMENDMENT No. 35.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Chapter II, Article II, designated as Section 12, relating to the establishment of markets, abattoirs, and other utilities.

San Francisco city and county charter amendments.

CHARTER AMENDMENT No. 36.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 11 of Chapter II, Article II of said Charter, relating to the sale of certain school lots situated westerly of Arguello Boulevard and the southerly projection thereof.

CHARTER AMENDMENT No. 37.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1, 2 and 3 of Chapter I, Sections 1 and 2 of Chapter II, Subdivisions 4, 7, 10, 11 of Section 1 and Sections 2, 3 and 4 of Chapter III, Sections 1, 2, 3, 4, Subdivision 6 of Section 5, Sections 6, adding a new section, to be known as Section 7, to Chapter IV, of Article VII; also adding a new section to be known as Section 6, Chapter 1 of Article XI. (Provides, in addition to other changes, that Superintendent of Schools, instead of being elected by the people as at present, shall hereafter be appointed by a non-salaried Board of Education of seven lay members appointed by the Mayor, and the said Superintendent shall hold office at the pleasure of the Board. The salary of said Superintendent to be fixed by the Board of Education. Number and salary of deputies to be fixed by said Board.)

CHARTER AMENDMENT No. 38.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 10 of Chapter I of Article III of the Charter relating to authorization of payments by the Auditor.

CHARTER AMENDMENT No. 39.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Chapter II of Article IV to be known as Section 9, relating to payments by authorized agent.

CHARTER AMENDMENT No. 40.

San Fran-
cisco city
and county
charter
amendments.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending subdivision 8 of Section 9 of Chapter I, of Article VI, relating to certain matters of which the Board of Public Works shall have charge, superintendence and control.

CHARTER AMENDMENT No. 41.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XII to be designated Section 10b relating to sale of bonds for less than par.

CHARTER AMENDMENT No. 42.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 9 of Article XII, relating to increase of limit of bonded indebtedness.

CHARTER AMENDMENT No. 43.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article XIV A, relating to the term of office of the Playground Commissioners.

CHARTER AMENDMENT No. 44.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new subdivision to Section 11, Article XIII of said Charter to be designated as Subdivision C, relating to employees in the Fire Department.

CHARTER AMENDMENT No. 45.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 11 of Article XIII, relating to extension of Civil Service.

CHARTER AMENDMENT No. 46.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by

adding a new section to Chapter VI of Article VIII, relating to creation of positions of Police Patrol Drivers and providing pensions therefor.

San Francisco city and county charter amendments.

CHARTER AMENDMENT NO. 47.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Chapter IV, Sections 1 and 6 of Chapter V and Section 1 of Chapter VI of Article VIII relating to an increase of the salaries of the uniformed force of the Police Department.

CHARTER AMENDMENT NO. 48.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Chapter VIII of Article IX to be designated Section 1½ relating to increase of salary of officers and members of the Fire Department.

And

WHEREAS, Said twenty-three proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their order of submission in the "Daily Journal of Commerce", a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "Daily Journal of Commerce," that such copies could be had upon application therefor to the office of the Board of Supervisors; and

WHEREAS, The said legislative authority of said city and county by Ordinance No. 4695 (New Series) in effect October 21, 1918, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the fifth day of November, one thousand nine hundred and eighteen, the said twenty-three several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said General Election was held in said city and county of San Francisco on the fifth day of November, one thousand nine hundred and eighteen which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "Daily Journal of Commerce," newspaper, said general election having been held within six months next preceding a regular session of the legislature; and

San Francisco city and county charter amendments.

WHEREAS, On the eleventh day of November, one thousand nine hundred and eighteen, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said Board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to wit, on the twenty-ninth day of November, one thousand nine hundred and eighteen, the said board of election commissioners duly filed in the clerk's office of the Board of Supervisors "Official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the fifth day of November A. D., 1918 for charter amendments", and

WHEREAS, At said general election so held on the fifth day of November one thousand nine hundred and eighteen twelve of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter Amendments numbered twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-four, thirty-six, thirty-eight, thirty-nine, forty, forty-six, forty-seven, and forty-eight, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said twelve charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 28.

That Article XVI of said Charter is hereby amended by adding a new section thereto to be known as Section 43 and to read as follows:

"Section 43. Absence of any officer or member of the Police or Fire Departments of the City and County of San Francisco from service in either of said departments caused by reason of the service of such officer or member in the military or naval forces of the United States in any war in which the United States is now or may become engaged, shall not be deemed to be such an absence from service in either of said departments as shall break the continuity of service required of such officer or member to entitle him to a pension as provided in this Charter, but the period of such absence in such military or naval service shall not be deemed service in either of said departments."

Members of police and fire departments in United States service.

CHARTER AMENDMENT NO. 29.

That a new section is hereby added to Article XIII to be known as Section 21 and to read as follows:

Section 21. Persons who have been mustered into the Army or Navy of the United States since April 6, 1917, after having acquired standing on a register of candidates in accordance with the provisions of this article shall be granted a leave of absence in accordance with the following provisions:

Leaves of absence for United States service.

1. If such person has been appointed to a permanent position he shall be entitled to resume such position upon the expiration of his leave. This provision includes appointments on probation. If any rights accrue to an appointee by reason of seniority, the term of service in the Army and Navy shall be reckoned a part of his service under the City and County.

2. Candidates not under appointment shall retain their places upon the register of eligibles and upon presenting an honorable discharge from the Army or Navy shall be preferred for appointment, in the order of standing upon such register at the time of enlistment, before candidates securing standing through examination held subsequent to the enlistment of such candidate.

Leave of absence granted hereunder shall be for the terms of service in the Army or Navy, and for such time thereafter as may be provided by the rules of the Civil Service Commission; but all such leave of absence shall expire two years after the proclamation of the President of peace between the United States and the German Empire. Leave of absence granted under this section may be cancelled by the Civil Service Commission on filing of certificate of honorable discharge from the Army or Navy of the United States.

CHARTER AMENDMENT NO. 31.

That Section 19 of Chapter II of Article XI is hereby amended to read as follows:

Section 19. (a) The ballots cast at any given precinct shall not be counted at the polling place, but as soon as the polls are closed, the precinct election officers shall not open the ballot box except as may be necessary to close the mouth of the box, and see that the ballot box is correctly locked again without any ballot being removed or added and seal the same and separately seal the key in the manner provided by printed instructions from the Registrar of Voters, and as soon as said election officers have certified, signed and sealed the other packages or envelopes as required by law, such ballot box and key and packages shall be sent by not less than two of said precinct election officers to the office of the Registrar of Voters and there delivered to the Registrar, and until so delivered it shall be unlawful for such officers so conveying the same to allow any other person or persons to have possession of said

Census of returns and determination of results.

San Fran-
cisco city
and county
charter
amendments.

Count by
Registrar
of Voters.

Counting
boards.

ballot box or key or packages. Such officers shall proceed as continuously as possible to the office of the Registrar of Voters. Immediately upon the delivery of such ballot box to the Registrar of Voters or his deputy, said Registrar shall cause each such box to be plainly labeled with the correct number of the precinct in which such ballots were cast. The Registrar of Voters shall in such manner as he shall deem best calculated to provide competent persons, select and provide as many persons as he may deem necessary for the counting, tallying and certifying of returns of the vote cast in each precinct, and such persons shall have the qualifications required for election officers at State elections, save that all persons who are employed in the Department of Elections, or who report for service from the Civil Service of the City and County, shall, if not a candidate at such election, be qualified, save that none of the persons so selected need reside in a particular precinct. The persons so selected and provided shall be segregated by the Registrar of Voters or his deputies into counting boards respectively to consist of three persons each, and each such selected counting board shall proceed to count and tally such ballots by precincts separately under the direction of the Registrar of Voters or his deputies or such superintendents as the Registrar of Voters may direct, in the same manner provided by law for counting, tallying and certifying ballots at State elections except as herein otherwise provided. The form of tally sheets shall be provided and determined by the Registrar of Voters, and there shall be a certificate at the end thereof to the effect that the foregoing is the correct result of the election in such precinct, and such certificate shall be signed by the three persons who completed such tally list and return. The Registrar of Voters or any deputy empowered by him by writing may excuse or dismiss any person from any such counting board at pleasure and enforce such order and substitute any person so provided by the Registrar of Voters in the place of any person so excused, dismissed, or who absents himself from said counting board. Any person acting on any such counting board who shall refuse to obey any lawful order of the Registrar or his deputy shall be guilty of a misdemeanor. The tally sheets shall be in duplicate, kept by two clerks, and one copy upon the completion thereof shall be sealed and signed across the flap in the manner provided by the laws of the State of California for sealing tally lists where votes are counted at the precinct, and the other tally list shall remain open for inspection in the office of the Registrar of Voters. The returns so sealed shall be securely kept by the Registrar until produced before the Board of Election Commissioners for official canvass in the manner provided by law.

Compensation of
counting
boards.

The Registrar of Voters shall fix the compensation to be paid to each member of such respective counting boards for counting, tallying, completing and certifying such votes and returns, which compensation shall not exceed five cents to each

member of such board respectively for each ballot so counted, tallied, completed and certified, and such claims and demands when certified by the Registrar or his deputy and presented to the Board of Election Commissioners shall be allowed in open session, and the Auditor shall audit and the Treasurer pay such claims out of the general fund. Except as herein otherwise provided, the provisions of the laws of the State of California applicable to State elections or State election officers, and such laws relating to the official canvass and declaration of the result of State election returns shall apply to the counting, tallying, certifying, sealing, custody and official canvass of the ballots and returns counted and returned under the provisions of this Chapter. If there shall not be room enough in the Department of Elections for the counting of said votes, the Registrar of Voters may cause such counting to proceed in any place under the control of the City and County which may be obtained by him for such purpose, provided, that a notice of the location of such place be conspicuously displayed in the Department of Elections. Said votes shall be counted in a place open to the public, and the boards counting the same shall enter the total number thereof on the tally sheets provided therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make returns thereof to the Board of Election Commissioners as herein required. The canvass must be public, in the presence of bystanders and must be continuous, without adjournment, until completed and the result thereof is declared. Any candidate shall be entitled to a representative among the bystanders.

Application
of state
election
laws.

Public
canvass.

The provisions of this Chapter relating to counting the ballots shall not apply to a special municipal election at which a proposition or propositions, or question or questions, only is, or are, voted upon; but the ballots at all such special elections shall be counted at the respective polling places and returned by the precinct election boards under the laws applicable to such elections.

Precinct
count at
special
elections.

(b) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. If a ballot contain either first or second or third choice votes for any office in excess of the number of places to be filled for such office no vote for that office in the column showing such excess shall be counted.

(c) Paragraph (b) of this section shall be printed conspicuously on the tally sheet.

(d) Candidates receiving a majority of the first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second choice votes shall be added to the first choice votes received

Majority
election.

Canvass of
second
choice
votes.

San Fran-
cisco city
and county
charter
amendments.

by such candidates and candidates who by such addition shall receive a majority shall be elected.

(e) If by the count of either first choice votes or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest vote shall be elected.

Canvass of
third
choice
votes.

(f) If the full number of candidates to be elected do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes. Said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled, who receive the highest number of votes by said addition shall be elected.

(g) The above subdivisions (d), (e) and (f) shall be applied and carried out in the making of the official canvass and the declaration of the official result.

CHARTER AMENDMENT NO. 33.

That a new subdivision is hereby added to Section 1 of Chapter III of Article VIII to be known as subdivision 9, and to read as follows:

Permits for
certain
businesses.

9. To grant or refuse to grant permits to any person engaged or desiring to engage in business as a pawnbroker, peddler, junk-shop keeper, dealer in second-hand merchandise, auctioneer and intelligence office keeper, and such other characters of business or callings as may hereafter be required by ordinance enacted by the Board of Supervisors to obtain permits from this Board, and to revoke any such permit where it shall appear to the Board that the business or calling of the person to whom such permit was granted is conducted in a disorderly or improper manner, or that the place where such business is being conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling. Before granting any such permit or revoking a permit already granted, the applicant or person holding such permit shall be entitled to be heard before said Board in person or by counsel. Such permits shall distinctly state the name of the person to whom the same is given, the character of business or calling to be conducted and a description or designation of the premises where such business is to be so conducted. Such permits shall at all times be subject to inspection by any member of the Department. Complaints to revoke permits granted by the Board must be in writing, signed by the person making the same and filed with the Secretary of the Board; and a copy thereof certified by the Secretary must be served upon the person holding such permit, who shall be given reasonable notice of the time set for the hearing of the complaint.

CHARTER AMENDMENT NO. 34.

That Section 1, Chapter II, Article II, is hereby amended by adding thereto a subdivision to be known as Subdivision 43-A and to read as follows:

Subdivision 43-A. The devise and bequest of Ignatz Steinhart, deceased, of the sum of \$250,000 for the erection and completion of an Aquarium to be located in Golden Gate Park in the City and County of San Francisco for the use and enjoyment of the people of the City and County of San Francisco, the management, superintendence and operation of which is to be in charge and under the direction of the California Academy of Sciences of San Francisco, is hereby accepted, said devise and bequest being as follows: Acceptance
of bequest
of Ignatz
Steinhart.

“It being my earnest desire, to provide the citizens of San Francisco with an Aquarium to be erected in the Golden Gate Park of said City, and to be called the ‘Steinhart Aquarium’; and provided such an Aquarium has not heretofore been constructed or placed in operation by me or any other party or parties, I hereby give, devise and bequeath to the California Academy of Sciences of San Francisco, the sum of (\$250,000) two hundred and fifty thousand dollars, for the erection and completion of an Aquarium to be located in the Golden Gate Park of said City of San Francisco, and adjacent or adjoining to the new buildings and museum of said Academy of Sciences in said Park and

Subject to the following conditions:

I. Said Aquarium as aforementioned, to be called the Steinhart Aquarium, and a bronze bust or statue of my brother Sigmund Steinhart, now deceased, but joint donor with me, to be erected and displayed in some convenient place in said Aquarium building.

II. The location, plans and specifications as also of the appurtenances and installations therein, to be submitted to my executors and to be approved by same.

III. The final cost of said Aquarium not to exceed to my estate the sum of said \$250,000 aforementioned, to be certified to by the original officials of said Academy of Sciences and the architect selected for the construction of said Aquarium.

IV. The management, superintendence and operation of said Aquarium to be in charge and under the direction of said Academy of Sciences; and I expect that the necessary funds for the maintenance and operation of said Aquarium will be furnished by the City of San Francisco for the benefit of the inhabitants thereof or others, who may enjoy said Aquarium or derive knowledge and information therefrom.

In case, however, during my lifetime an Aquarium should have been erected and exist, in said Golden Gate Park, then said bequest of \$250,000 is to be null and void and hereby cancelled.

And in lieu thereof, I hereby give, devise and bequeath to said Academy of Sciences the sum of (\$150,000) one hundred

San Francisco city and county charter amendments.

and fifty thousand dollars, for the enlargement and extension of the Aquarium then existing. I would suggest that a Terrarium and Exhibit of Insects be installed in said enlarged Aquarium. Location plans and specifications for the latter, are likewise to be approved by my executors, and conditions and clauses I to IV heretofore mentioned, should as far as feasible and practical apply to said bequest of \$150,000 for said enlargement and extension of said Aquarium."

The Board of Supervisors is hereby empowered to pass any ordinance necessary to carry into full force and effect the terms, conditions and provisions of said devise and bequest, to accept any further gifts of money, properties or buildings for the extension or support of said Steinhart Aquarium, under the management, superintendence and operation of the California Academy of Sciences of San Francisco and to authorize the expenditure of such sum of money as shall be appropriated from the General Fund of the City and County of San Francisco under the provisions of Subdivision 43, Section 1, Chapter II, Article II of the Charter through the California Academy of Sciences of San Francisco for the support and maintenance of said Steinhart Aquarium under such regulations as said Board of Supervisors may prescribe by Ordinance.

CHARTER AMENDMENT NO. 36.

That Section 11 of Chapter II, Article II of said Charter is hereby amended to read as follows:

Sale of school lands.

Section 11. Whenever the Board of Education shall by Resolution determine that any of the lots of land located westerly of Arguello Boulevard, formerly First avenue, and the southerly projection thereof, reserved for school purposes by the committee on Outside Lands appointed by the Board of Supervisors under the provisions of Ordinance No. 800, approved by the Mayor and the President of the Board of Supervisors on January 14, 1868, and confirmed by Act of the Legislature and approved March 27, 1868, are inadequate or unsuitable for school purposes or for use as sites for school buildings and that the public interest or necessity demands the sale thereof, said Board may recommend to the Mayor that such sale be made. If the Mayor shall concur in said recommendation he shall report the same to the Board of Supervisors and said Board shall make such sale in the manner provided in Section 9 of this Chapter. The proceeds arising from such sale shall be used exclusively for the purpose of purchasing lands for school purposes or sites for school buildings or for additions to existing sites for school purposes.

CHARTER AMENDMENT NO. 38.

That Section 10 of Chapter I of Article III is hereby amended to read as follows:

Section 10. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force, unless the Auditor shall indorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the Board or officer making the same; provided, that where the expense of executing such contract is to be paid entirely from the proceeds of bond issues, the requirements of this section may be satisfied through an indorsement by the Auditor that a sufficient number of bonds have been set aside to be sold as payments under the contract fall due, and from the proceeds of which sale the estimated expense of executing such contract may be paid, as certified by the board or officer making the same. This requirement shall not apply to work done, or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The Auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount of money or bonds so specified by the officer making the contract, and thereafter shall hold and retain such amount of money or bonds for the purpose of paying the expense incurred until the contract shall be fully performed. If bonds are withheld, arrangements shall be made prior to the Auditor's indorsement for the sale of such bonds in such amounts and at such periods of time as will enable the Treasurer to make payments in cash under such contract as such payments fall due and are approved. The Auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation or bonds set aside for his department.

Contracts
must be
indorsed.

Exception.

Auditor's
weekly
statement.

CHARTER AMENDMENT No. 39.

That a new section is hereby added to Chapter II of Article IV to be known as Section 9 and to read as follows:

Section 9. The Supervisors may by ordinance authorize and provide for the payment through the agency of any regularly licensed bank in the State of California of wages, salaries or compensation due to any person or persons engaged on public work of the City and County outside of the limits thereof. In such cases, payrolls covering such wages, salaries or compensation must be first approved by the board or officer in charge of such outside work and forwarded to the Auditor for his audit and approval. After approving the same he shall, if so directed by such ordinance, draw his warrant for the gross amount of said payroll as approved in favor of such bank, and the Treasurer shall upon receipt of such

Compensation
for
public work
outside
of limits.

San Francisco city and county charter amendments.

warrant pay the amount thereof over to said bank for distribution to the persons entitled to the same in such manner as may by said ordinance be provided.

CHARTER AMENDMENT NO. 40.

That subdivision 8 of Section 9 of Chapter I of Article VI is hereby amended to read as follows:

Municipal public utilities under Board of Public Works.

8. Of the construction, maintenance and operation of any and all public utilities, owned, controlled or operated by the City and County, or which may hereafter be so constructed, owned, controlled or operated. Full authority is vested in the Board of Public Works to carry out the powers granted in this paragraph, and it may, in accordance with such ordinances as the Supervisors may enact, contract for work to be performed, or materials or equipment to be furnished, or for expert, technical or professional services to be rendered, wherever such work, services, materials or equipment are certified by the City Engineer to be necessary in connection with the construction, maintenance or operation of such utilities.

CHARTER AMENDMENT NO. 46.

That a new section is hereby added to Chapter VI of Article VIII to be known as Section 1½ and to read as follows:

Police patrol drivers.

Section 1½. In addition to the Police Force provided for in Section 1 of this Chapter, there shall be not to exceed three Police Patrol Drivers for each Police Company, each of which drivers shall receive an annual salary of not less than \$1464; and said Police Patrol Drivers shall, for the purpose of receiving a pension, be considered a part of the Police Force, and shall be subject to the provisions and entitled to the benefits of Chapter X of Article VIII of the Charter.

CHARTER AMENDMENT NO. 47.

That Section 5 of Chapter IV of Article VIII is hereby amended to read as follows:

Police details.

Section 5. The Chief of Police shall detail one or more of the members of the Department to attend constantly on the Police Court and to execute its orders and process. He shall detail at his pleasure members of the Department to act as his Chief Clerk, Assistant Clerks, Prison Keepers and Property Clerk. Said Chief Clerk and said Property Clerk shall each receive an annual salary of two thousand six hundred and forty dollars.

That Sections 1 and 6 of Chapter V of Article VIII are hereby amended to read as follows:

Police officers and salaries.

Section 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of two thousand six hundred and forty dollars; Lieutenants, who shall each receive an annual salary of two thou-

sand one hundred and sixty dollars; Sergeants, who shall each receive an annual salary of one thousand nine hundred and twenty dollars; and corporals, who shall each receive an annual salary of one thousand eight hundred dollars.

Section 6. The Chief of Police may detail for detective duties such members of the Department as he may select, not to exceed twenty-five. He shall designate a Captain of Police, to act as Captain over the officers so detailed, who shall receive an annual salary of three thousand dollars. Such Captain shall rank as Captain of Detectives, and his duties shall be defined by the Commissioners and by the Chief of Police. The members so detailed shall be known and ranked as Detective Sergeants. Each of said Detective Sergeants shall receive an annual salary of one thousand nine hundred and twenty dollars. They may be removed at any time from such detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police, and by the orders of the Captain of Detectives.

Detectives.

Captain of Detectives.

That Section 1 of Chapter VI of Article VIII is hereby amended to read as follows:

Section 1. The police force of the City and County shall not exceed one police officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of one thousand seven hundred and four dollars.

Policemen. number and salary.

CHARTER AMENDMENT NO. 48.

That a new section is hereby added to Chapter VIII of Article IX to be known as Section 1½ and to read as follows:

“Section 1½. The officers, members and employees mentioned in Section 1 of this Chapter, who receive an annual salary of eighteen hundred and sixty dollars or less, shall during the five years commencing July 1, 1919, receive and be paid the sum of twenty dollars per month in addition to the salaries therein specified; provided, further, that the amount of the pension as set forth in Sections 3, 4 and 5 of Chapter VII, Article IX of this Charter, shall be computed and based upon the amount of salary of each officer, member and employec of the Fire Department in effect before this amendment; the purpose of this amendment being to increase the salary of each officer, member and employec herein mentioned for the period specified herein, but not to increase the pensions mentioned in Sections 3, 4 and 5 of Chapter VII, Article IX over or above the amounts provided before the adoption of this amendment.”

Increase of salaries of police department.

State of California }
City and County of San Francisco } ss.

This is to certify that we, James Rolph, Jr., Mayor of the city and county of San Francisco, and J. S. Dunnigan, Clerk of the Board of Supervisors of said city and county, have

Certificate.

San Fran-
cisco city
and county
charter
amendments.

compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a general election held on Tuesday, the fifth day of November, one thousand nine hundred and eighteen, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this 17th day of December, one thousand nine hundred and eighteen.

JAMES ROLPH, JR.,
Mayor of the city and county of San Francisco.

J. S. DUNNIGAN,
Clerk of the Board of Supervisors of the City and County
of San Francisco.

[SEAL]

Now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city and county of San Francisco, as proposed to and adopted and ratified by the electors of said city and county, and as here-inbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 7.

Senate Joint Resolution No. 3—Relative to endorsement of the amendment to the national constitution known as the "Federal Suffrage Amendment."

[Filed with Secretary of State January 21, 1919.]

Endorsement
of "Federal
Suffrage
Amend-
ment."

WHEREAS, The legislature of the State of California by joint resolution at its last session urged upon the congress of the United States the passage of the amendment to the national constitution known as the "Federal Suffrage Amendment," as a matter of justice to the women of our nation who have labored and sacrificed side by side with the men in the world struggle for liberty and democracy; and

WHEREAS, Said federal suffrage amendment has been passed by the house of representatives and now awaits the action of the senate; be it therefore

Resolved, That, profoundly appreciative of the dignity and ability with which the women of this state have used their right to the ballot, and so more than ever cognizant that sex discrimination in the granting of the franchise has no place in modern civilization, and realizing as never before how entirely the welfare of our nation depends upon the material, moral and spiritual activities of its men and women alike, the legislature of the State of California urges upon the senate of the United States at once to pass the federal suffrage amendment, that it may be submitted to the legislatures of the various states, to the end that before the next presidential election the nation's women may enter upon the rights and duties of the franchise on the same basis as its men.

Resolution
of
endorsement.

The secretary of the senate is hereby instructed to telegraph copies of this resolution to the president of the senate, the speaker of the house of representatives, and the United States senators from California at Washington forthwith.

CHAPTER 8.

Senate Concurrent Resolution No. 7—Relative to approving a certain amendment to the charter of the city of Santa Monica, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Santa Monica, at a special municipal election held therein on the third day of January, 1919.

[Filed with Secretary of State January 21, 1919.]

WHEREAS, The city of Santa Monica, in the county of Los Angeles, State of California, contains a population of over seven thousand inhabitants, and has been ever since the year 1907, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 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 twenty-eighth day of March, 1906, and approved by the legislature of the State of California on the first day of February, 1907, and which charter was duly amended by a majority of the qualified electors of said city at a special election held for that purpose on the first day of December, 1914, and said amendment was approved by the legislature of the State of California in the month of January, 1915; and

Santa
Monica
city charter
amendments.

WHEREAS, The city council of said city of Santa Monica on November 20, 1918, adopted Ordinance No. 92 (commissioners' series), proposing a certain amendment, hereinafter set forth, to the charter of said city on its own motion, under the terms and provisions of sections eight and eight and a half of article eleven of the constitution of the State of California, to be submitted for ratification and adoption to the qualified electors of

Santa
Monica
city charter
amendments.

said city at a special municipal election to be held in said city on the third day of January, 1919; and

WHEREAS, Said proposed amendment, hereinafter set forth, was published once in the official paper of said city, to wit: "The Santa Monica Evening Outlook," said publication being on the twenty-first day of November, 1918; and

WHEREAS, The said city council caused copies of said proposed amendment to be printed in convenient pamphlet form and advertised in the "Santa Monica Evening Outlook," a newspaper of general circulation published in said city, a notice that such copies might be had upon application therefor to the commissioner of finance, ex officio city clerk of said city; said publication commenced on November 21, 1918, and continued daily until and including January 2, 1919; and

WHEREAS, Said city council did by ordinance No. 93 (commissioners' series), duly adopted on the twenty-second day of November, 1918, order the holding of a special municipal election in said city of Santa Monica upon the third day of January, 1919, which said last-mentioned date was not less than forty and not more than sixty days after the completion of the publication of said proposed amendment, hereinafter set forth, once in said official paper of said city, to wit: "The Santa Monica Evening Outlook," and did provide in said ordinance for submission of said proposed amendment to said city charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was published once prior to the time appointed for the holding of said election in "The Santa Monica Evening Outlook" the official paper of said city; and

WHEREAS, At said special election a majority of the qualified voters voting on said amendment, voted in favor thereof, and did ratify said proposed amendment to said charter; and

WHEREAS, The city council of said city of Santa Monica met as a canvassing board, and duly canvassed the election returns of said special election within two days after said special election, and duly found, determined and declared that a majority of such qualified electors voting on said amendment voted in favor thereof, and ratified said amendment to said charter; and

WHEREAS, The commissioner of public safety, ex officio mayor, and commissioner of finance, ex officio city clerk of said city of Santa Monica, did on the tenth day of January, 1919, duly certify to the submission to the electors of said city of Santa Monica of the said proposed amendment, and did further certify to a copy of said proposed amendment, authenticated by the seal of the city of Santa Monica, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA, }
County of Los Angeles, } ss.
City of Santa Monica, }

CERTIFICATE OF RATIFICATION OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF SANTA MONICA.

Certificate.

We, the undersigned, S. L. Berkley, Commissioner of Public Safety, ex officio Mayor of the City of Santa Monica, State of

California, and Frank J. Townsend, Commissioner of Finance, ex-officio City Clerk of said City, do hereby certify as follows, to-wit:

Santa
Monica
city charter
amendments.

That the City of Santa Monica, in the County of Los Angeles, State of California, contains a population of over seven thousand (7,000) inhabitants, and has been ever since the year 1907, and is now, organized and acting under a free-holders' Charter, adopted under and by virtue of Section eight (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 28th day of March, 1906, and approved by the Legislature of the State of California on the first day of February, 1907, (Statutes of 1907, page 1007), which Charter was duly amended by a majority of the qualified electors of said city at a special election held for that purpose on the first (1st) day of December, 1914, and said amendment was approved by the Legislature of the State of California, in the month of January, 1915, (Statutes of 1915, page 1714) .

That the City Council of the said City of Santa Monica on November 20th, 1918, adopted Ordinance No. 92 (Commissioners' Series) proposing a certain amendment, hereinafter set forth, to the Charter of said City on its own motion, under the terms and provisions of Sections eight (8) and eight and a half (8½) of Article XI of the Constitution of the State of California, to be submitted for ratification and adoption to the qualified electors of said City at a special municipal election to be held in said City on the third (3rd) day of January, 1919, which said amendment was in words and figures as follows, to wit:

ORDINANCE No. 92.

(Commissioners' Series)

AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF SANTA MONICA, AND SUBMITTING THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE THIRD DAY OF JANUARY, 1919.

The City Council of the City of Santa Monica ordains as follows:

Section 1. The following amendment to the Charter of the City of Santa Monica is hereby proposed to be submitted for ratification and adoption to the qualified electors of the City of Santa Monica at a special municipal election to be held in said City on Friday, the third day of January, 1919.

PROPOSED CHARTER AMENDMENT.

A PROPOSAL TO AMEND THE CHARTER OF THE CITY OF SANTA MONICA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BY AMENDING SUBDIVISION ELEVEN (11) OF SECTION ONE (1) OF ARTICLE TWO (II) OF SAID CHARTER.

Subdivision Eleven (11) of Sec. One (1) of Article Two (II) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

ARTICLE II.

SEC. 1. The said corporation shall have the power:

* * * * *

Assessments for improvements.

(11) To levy assessments upon property to pay for the improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes, including music, entertainment and advertising; provided that the tax levied for any one year, for all municipal purposes, other than for parks, library, schools, payment of interest on the municipal debt, redemption of bonds, music, entertainment and advertising, shall not exceed One Dollar (\$1.00) on each One Hundred Dollars (\$100.00) worth of taxable property. The total assessment for music, entertainment and advertising shall not exceed fifteen cents (15¢) on each One Hundred Dollars (\$100.00) worth of taxable property.

Ordinance to be printed and distributed.

Section 2. The Commissioner of Finance, as ex-officio City Clerk shall cause copies of this Ordinance to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon said Charter amendment, advertise in the Santa Monica Evening Outlook, a newspaper of general circulation published in the City of Santa Monica, a notice that such copies may be had upon application therefor.

Ordinance to be certified and published.

Section 3. The Commissioner of Public Safety, as ex-officio Mayor shall sign, and the Commissioner of Finance, as ex-officio City Clerk shall attest and certify to the adoption of this ordinance and said Commissioner of Finance, as ex-officio City Clerk, shall cause the same to be published once in the Santa Monica Evening Outlook, the official paper of the City of Santa Monica, a newspaper of general circulation in the City of Santa Monica. This ordinance shall go into effect immediately upon its publication.

Special election.

Section 4. That after such publication as required by law, an ordinance will be duly passed for the holding of said Special election on Friday, January third, 1919, appointing the voting places and the officers of such election, and regulating the holding thereof.

Certificate.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Santa Monica at its meeting held on the 20th day of November, 1918, by the following vote:

Ayes:—Carter, Townsend, Berkley.

Nocs:—None.

Signed this 20th day of November, 1918.

(Signed) S. L. BERKLEY,

That said proposed amendment was published once in the official paper of said city, to-wit: "The Santa Monica Evening Outlook" said publication being on the twenty-first (21st) day of November, 1918, and

Santa
Monica
city charter
amendments.

That said City Council did by ordinance No. 93 (Commissioners' Series) duly adopted on the 22nd day of November, 1918, order the holding of a special municipal election in said City of Santa Monica upon the third (3rd) day of January, 1919, which said last mentioned date was not less than forty (40) and not more than sixty (60) days after the completion of the publication of said proposed amendment, hereinbefore set forth, once in said official paper of said city, to-wit, "The Santa Monica Evening Outlook," and did provide in said ordinance for submission of said proposed amendment to said City Charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was published once prior to the time appointed for the holding of said election in the "Santa Monica Evening Outlook" the official paper of said city.

That at said special election a majority of the qualified voters voting on said amendment voted in favor thereof, and did ratify said proposed amendment to said Charter.

That the City Council of said City of Santa Monica met as a canvassing board and duly canvassed the election returns of said special election within two (2) days after said special election, and duly found, determined and declared that a majority of such qualified electors voting on said amendment, voted in favor thereof, and ratified said amendment to said Charter.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Santa Monica, this tenth day of January, A.D. 1919.

(Signed) S. I. BERKLEY,
Commissioner of Public Safety Ex-officio
Mayor of the City of Santa Monica.

[SEAL]

FRANK J. TOWNSEND
Commissioner of Finance, ex-officio City
Clerk of the City of Santa Monica.

and

WHEREAS, The said proposed amendment was ratified as hereinabove set forth, has been duly presented and submitted to the legislature of the State of California, for approval or rejection, without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring herein, That the said proposed amendment to the said charter of the city of Santa Monica, hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified

Approval by
legislature.

electors of said city, be and the same is hereby approved as a whole for and as an amendment to the said charter of the city of Santa Monica.

CHAPTER 9.

Assembly Concurrent Resolution No. 5—Approving the charter for Salinas City, State of California, ratified by the qualified electors of said city at the general election held on the fifth day of November, one thousand nine hundred eighteen.

[Filed with Secretary of State January 24, 1919.]

Salinas City
charter.

WHEREAS, Salinas City in the county of Monterey, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said Salinas City at all times mentioned herein was, and now is organized and existing under a freeholders' charter adopted under the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of qualified electors of said city on the twelfth day of January, 1903, and approved by the legislature of the State of California, on the eleventh day of February, 1903; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a new charter for said Salinas City, as set out in the certificate of the mayor and city clerk of Salinas City, to wit:

SALINAS CITY,	} ss.
COUNTY OF MONTEREY,	
STATE OF CALIFORNIA.	

Certificate.

We, the undersigned G. A. Daugherty, Mayor of Salinas City, State of California, and M. R. Keef, City Clerk of said city, do hereby certify and declare as follows:

That Salinas City in the County of Monterey, State of California, now is and at all times herein referred to, was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said Salinas City at all times mentioned herein was, and now is, organized and existing under a freeholders' charter adopted under the provisions of Section Eight, Article XI of the Constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the 12th day of January, 1903, and

approved by the legislature of the State of California on the 11th day of February, one thousand nine hundred and three; Salinas city charter.

That pursuant to the provisions of Section Eight of Article XI of the Constitution of the State of California, the Council of Salinas City, said council being then and there the legislative body of such city, did by a two-thirds vote of all its members, pass an ordinance, calling a special election to be held on Monday, the sixth day of May, one thousand nine hundred and eighteen, for choosing a board of fifteen freeholders, to frame, prepare and propose a new charter for Salinas City; that at such election held on said day, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, which said board within one hundred twenty days after the result of said election was declared, duly prepared and proposed, and did on the twenty-first day of August, one thousand nine hundred eighteen, file in the office of said city clerk a new charter for the government of said city, and upon said charter designated the date of the general election, to wit, the fifth day of November, one thousand nine hundred eighteen, as the date upon which, and the election at which said charter should be submitted to the electors of said city for ratification; that said proposed charter and said designation for the date for the submission therefor to the electors for ratification were duly signed by a majority of the members of the said board of freeholders; that thereupon said mayor and council duly caused said charter to be submitted to the electors of said city for ratification at the general election to be held on November 5, 1918, and did, within fifteen days after the filing of said charter, cause the same to be published once on the 27th day of August, one thousand nine hundred eighteen, in the Salinas Daily Index, a newspaper of general circulation, printed and published in said city, and caused copies of said charter to be printed in convenient pamphlet form, and until the date fixed by the election upon such charter, advertised in said Salinas Daily Index, and also in the Salinas Daily Journal, a newspaper of general circulation, printed and published in said city, a notice that such copies of said charter could be had at the office of the City Clerk upon application therefor; that at the said election, duly and regularly held on said fifth day of November, one thousand nine hundred eighteen, a majority of qualified voters, voting thereon, voted in favor of such proposed charter, and the Board of Supervisors of the County of Monterey, State of California, at a meeting held in the manner required by law, duly canvassed the returns of said election, and the clerk of said Board of Supervisors, duly returned to the council of Salinas City, a certified copy of said returns so canvassed as aforesaid, and said council of Salinas City, therefrom, duly found, determined and declared that a majority of said electors voting thereon, had voted for and ratified said charter; that said charter after the same was prepared, proposed and ratified as herein set forth, is as follows, to wit:

CHARTER PREPARED AND PROPOSED FOR SALINAS CITY BY THE BOARD OF FREEHOLDERS ELECTED MAY 6, 1918, IN PURSUANCE OF THE PROVISIONS OF SECTION EIGHT, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER FOR THE CITY OF SALINAS, STATE OF CALIFORNIA.

NAME OF CITY.

Name
of city.

SECTION 1. The municipal corporation now existing and known as Salinas City, shall hereafter be known as Salinas, and shall remain a body politic and corporate in name and in fact by the name of Salinas, and by that name shall have perpetual succession.

RIGHTS.

Rights.

SEC. 2. All public buildings, land, property, rights of property, rights of action, money, revenue and income belonging or appertaining to Salinas City, at the time this Charter shall go into effect, shall thereafter vest in, and belong to the municipality of Salinas, and said municipality shall have, hold, own and enjoy all such public buildings, real and personal property, rights of property, rights of action, money, revenue, income, books, documents, records, archives, claims, demands and things, in possession and in action, of every kind and description, theretofore owned, held by, or vested in said Salinas City, and said municipality shall thereafter be subject to and liable for all of its prior obligations, debts, dues, duties and liabilities.

POWERS.

Powers.

SEC. 3. It shall possess and may exercise all municipal powers not inconsistent with the Constitution of the State of California.

BOUNDARIES.

Boundaries.

SEC. 4. The boundaries of Salinas shall be and remain as now fixed and established and are described as follows: Commencing at a point north nine degrees and thirty minutes west, four thousand five hundred seventy two and forty eight one-hundredths feet from the monument at the intersection of the center lines of Main and Gabilan Streets in Salinas City, thence at right angles to the center line of said Main Street, north eighty degrees and thirty minutes east, one thousand six hundred and one-half feet to the westerly side of the County Road leading from Salinas City to Santa Rita; thence along the west side of said road north three degrees and thirty minutes east, three thousand three hundred and twenty eight feet to a point opposite the northern line of Sherwood Park; thence south eighty six degrees and forty five minutes east one thousand one hundred forty six and one-half feet to the

northeastern corner of said park; thence following the course of the eastern side of said Sherwood Park south three degrees and fifteen minutes west, three thousand sixty five feet to station; thence north eighty degrees and thirty minutes east, one thousand seven hundred seventy four and one-half feet to the northeastern corner of Salinas City; thence south nine degrees and thirty minutes east, nine thousand one hundred and forty five feet to the southeastern corner of said city; thence south eighty degrees and thirty minutes west, nine thousand one hundred forty-five feet to the southwestern corner of said city; thence north nine degrees and thirty minutes west, nine thousand one hundred forty five feet to the northwestern corner of said city; thence north eighty degrees and thirty minutes east, four thousand five hundred seventy two and one-half feet to the place of beginning.

CITY COUNCIL.

Powers of City.

SEC. 5. All the powers of the city except as otherwise provided by this charter, are hereby vested in a council of five members, who shall be elected from the city at large.

TERMS OF OFFICE.

SEC. 6. Members of the council shall be elected for terms of four years each, except that the members of the council elected at the first election, shall classify themselves by lot, so that of their number, three shall serve for terms of four years each, and two for terms of two years each.

FIRST ELECTION.

SEC. 7. The council in office during the year 1919, shall provide for an election to be held on the first Monday in June of that year, at which their successors under this charter shall be chosen, and shall canvass the returns and declare the result; the members of the council chosen at such election shall take office on the first Monday in July next succeeding their election, at 12 o'clock noon of that day; thereafter an election shall be held on the first Monday in June of every second year, at which members of the Council shall be chosen to succeed those whose terms are about to expire by limitation or by resignation or whose offices may have become vacant.

POWERS OF THE COUNCIL.

SEC. 8. Except as otherwise provided by this Charter or by the Constitution of the State, the Council may, by ordinance, prescribe the manner in which any power of the city shall be exercised.

COMPENSATION.

Salinas
city charter.

SEC. 9. Members of the Council shall receive as compensation for their services a monthly salary of twenty-five dollars each, excepting the Mayor who shall receive as compensation for all services rendered by him, a monthly salary of fifty dollars.

PENALTY FOR ABSENCE.

SEC. 10. A councilman who is absent from three consecutive regular meetings shall forfeit his seat, unless excused by the Council on account of absence from the city, or illness. The reasons for such absence shall be entered upon the journal.

ORGANIZATION OF THE COUNCIL.

Mayor.

SEC. 11. At its first meeting, the council shall elect from its own membership, a presiding officer to be known as the Mayor. The Mayor shall serve for a term of two years.

DUTIES OF MAYOR.

Subject to Modification by Council.

SEC. 12. Subject to the power of the Council to modify and change the same, the Mayor shall have and exercise powers and duties as follows:

*Presiding Officer. Official Head of City.*Powers and
duties of
mayor.

SEC. 13. The Mayor shall preside at all meetings of the council, and shall perform such other duties as are generally required of a presiding officer. He shall have a voice and vote in all its proceedings, but shall have no veto power. He shall be recognized as the official head of the city, and shall see that the laws of the State of California, the provisions of this charter and the ordinances of Salinas are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots and tumults, for which purpose he may use the police force, and in case of necessity, may call upon the governor of the state for military aid.

Observe Official Conduct.

SEC. 14. The Mayor shall diligently observe the official conduct of all officers and employees of the city, and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds, and property. The books, records and official papers of all departments, boards, officers and employees of the city shall, at all times, be open to his inspection and examination, and he shall use special care to see that such books, records and documents are kept in proper and legal form. He shall have general supervision of all departments, public institutions and

offices of the city and shall see that they are lawfully, economically and honestly administered and conducted. He may, at any time he deems necessary or expedient, appoint a proper person, who is an expert in matters of book keeping and accounts, to examine the books, records, condition and affairs of any or all of the departments, boards, or officers of the city, and make a report thereon; and the person so appointed shall have full power and authority to examine all books, records and documents of, or pertaining to the department, board, or office which he has been authorized to investigate.

Salinas
city charter.

Suspend for Official Misconduct.

SEC. 15. When any defalcation, wilful neglect of duty or other official misconduct by, or on the part of any officer or employee of the city (except a councilman), shall come to the knowledge of the Mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the Council at its next meeting.

Supervise Contracts.

SEC. 16. The Mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall cause legal proceedings to be instituted and prosecuted, in the name of Salinas, against all persons failing, in whole or in part, to fulfill their agreements with said city.

Count Money in Treasury.

SEC. 17. The Mayor shall, on the first Monday of each month, together with the city clerk and city attorney, count the money in the city treasury, ascertain whether it corresponds with the books of the city treasurer, and report the result to the council at its next meeting.

Statement of City Affairs.

SEC. 18. The Mayor shall, at the end of each year of his official term and at such other times and as he may deem proper, communicate in writing to the council, a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

Power to Administer Oaths.

SEC. 19. The Mayor shall have the power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city.

*Sign Instruments.*Salinas
city charter.

SEC. 20. The Mayor shall sign all conveyances made by Salinas and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgement.

Absence Of Mayor.

SEC. 21. If the Mayor be temporarily absent from the city, or become temporarily disabled, the council shall elect one of its members to perform the duties of the Mayor during such temporary absence or disability.

TIME OF MEETING.

SEC. 22. The council shall meet in the Council Chambers at the City Hall, at eight o'clock, P. M., on the first Monday in July following their election, and shall organize as herein required. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly once each month.

SPECIAL MEETINGS.

SEC. 23. Special meetings may be called by the Mayor or by two members, but notice of every such meeting must be served in person upon every member, or left at the residence or place of business of each, not less than two hours before said special meeting.

Such notice must contain the subject or subjects to be discussed or acted upon at such special meeting, and no other business than that specified in the call shall be transacted at such meeting.

PUBLICITY OF MEETINGS.

SEC. 24. All meetings of the council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally, or through counsel, to present grievances, or offer suggestions for the betterment of municipal affairs.

QUORUM.

SEC. 25. A majority of the membership of the council shall be necessary for the transaction of business, but a smaller number may adjourn or compel the attendance of absent members.

ELECTION OF COUNCILMEN.

*Nominations.*Election of
councilmen.

SEC. 26. The name of any qualified elector of the city may be placed upon the official ballot at a general or special election, by the filing with the city clerk of a petition, accompanied by a fee of \$10.00, and signed by not less than one per cent nor

more than two per cent of the number of electors registered at the last general municipal election. Salinas city charter.

The petition shall be in substantially the following form:

"We, the undersigned, electors of Salinas, hereby present -----, whose residence is -----, Salinas, for the office of councilman, to be voted for at the election to be held in Salinas on -----, and we individually certify that we intend to vote for him, and have not signed petitions for any more candidates than the number of councilmen to be chosen at such election.

The signatures to a nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating that each signature was made in his presence, and is genuine. Each name shall be signed in ink or indelible pencil, and shall be followed by the precinct, street and number of the signer's residence.

All nominating papers comprising a petition shall be assembled and filed with the city clerk, as one instrument, at least thirty days prior to the date of holding the election.

Any person whose name has been submitted for candidate, may have the same withdrawn by written notice to the city clerk not less than twenty days before the date of election.

CALLING THE ELECTION.

SEC. 27. The council shall by ordinance order the holding of elections. Such ordinance shall specify the objects, time, and places within the city for holding such elections, and the names of the inspectors, judges of election, and clerks for each precinct into which the city shall be divided, to conduct the holding of and making returns of such elections, provided that the number of election officers at each precinct shall not exceed six in number, of whom at least three shall be present at all times during the election. Said ordinance shall be published once each week in a local paper of general circulation during the two weeks next before the time appointed for holding the election.

FILING THE RETURNS.

SEC. 28. The returns from each election precinct shall be filed with the city clerk, and no person shall be permitted access to them until canvassed by the council. After having been canvassed, they shall be sealed up by the city clerk for six months and no person shall have access to them, except on order of a court of general jurisdiction.

CANVASSING THE RETURNS.

SEC. 29. On the first Monday after any election, and at the usual hour and place of meeting, the council shall meet and canvass the returns, and declare the result.

NOTIFYING THE SUCCESSFUL CANDIDATES.

Salinas
city charter.

SEC. 30. After the result of an election is declared, the city clerk, under his hand and official seal, shall issue a certificate thereof, and serve the same personally or by mail upon the person elected.

VACANCIES.

SEC. 31. Vacancies in the council shall be filled by majority choice of the remaining councilmen. The person so appointed shall hold office for the remainder of the unexpired term, or until the next regular municipal election, when a councilman shall be elected to serve during the remainder of such term. Provided, however, when there are more than two vacancies in the council, the city clerk shall, and he is hereby empowered and authorized to call a special election under the provisions of this charter to fill such vacancies, and shall appoint three disinterested electors of the city to canvass the returns, and declare the result of such election.

PROVISIONS OF STATE LAW TO APPLY.

SEC. 32. The provisions of the laws of the State of California relating to the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

LEGISLATIVE PROCEDURE.

*Ordinances.*Legislative
procedure.

SEC. 33. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of Salinas." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of Salinas." No ordinance shall be so amended as not to be germane to its original purpose. No ordinance except upon the unanimous consent of all members of the council shall be passed by the council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting. No ordinance or resolution shall be adopted except upon the affirmative vote of at least three members of the council. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the city clerk and published at least once in a newspaper, as hereinafter provided.

Recording and Publication.

SEC. 34. All ordinances and resolutions shall be deposited with the city clerk, who shall record them in a suitable book. All ordinances shall be published once in some newspaper, published and circulated in Salinas, selected and designated by the council for that purpose, within three days after adoption.

The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor. Salinas city charter.

Submission to Popular Vote.

SEC. 35. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the council may, of its own motion, submit to a vote of the electors at a general or special election.

Time of Taking Effect.

SEC. 36. All ordinances except when otherwise required by the general laws of the state, with regard to street improvements, and except emergency and initiative measures, and ordinances relating to elections, bond issues, and the annual tax levy, shall be in effect from and after thirty (30) days from the date of their adoption.

EMERGENCY MEASURES.

Defined.

SEC. 37. An emergency measure is an ordinance for the immediate preservation of the public peace, health or safety, or for appropriating money for some special need, and which contains a declaration of, and the facts constituting its urgency, and is passed by four affirmative votes in the council.

To Take Effect.

SEC. 38. Such an ordinance shall take effect at the time indicated therein.

EXECUTIVE OFFICERS AND BOARDS.

Titles and Appointment.

SEC. 39. In addition to the council, there shall be the following Executive Officers and Boards; they shall be appointed by the Council, or by its authority, except as otherwise provided by this Charter: Executive officers and bodies.

City Clerk
 City Assessor
 City Collector
 City Treasurer
 City Attorney
 City Manager
 City Engineer
 Police Judge
 Superintendent of Streets
 Chief of Fire Department
 Board of Education
 Board of Health
 Health Officer
 Library Trustees

Appointment
of city
manager.

Provided, that the appointment of Manager shall be left to the discretion of the Council, and to such time when in its judgment the welfare of the city and the efficient administration of city affairs will be benefited thereby.

The advisability of the appointment of a city manager, shall be determined by the council by an affirmative vote of four of its members. Such manager need not be a resident of Salinas, or of the State of California at the time of his appointment.

The appointment of a city manager imposes thereby no obligation on the council to continue a city manager, if in its judgment, the welfare of the city and the efficient administration of city affairs will not be benefited thereby.

Terms of Service.

- SEC. 40. All appointive officers and members of boards whose terms of service are not specified, shall serve at the pleasure of the appointing power.

Power of Council as to its Appointees.

- SEC. 41. The council shall have power, by ordinance:
- (a) To create any new appointive office;
 - (b) To assign the duties of two or more offices to one person, or to authorize it done;
 - (c) To divide the duties of any office between two or more officers;
 - (d) To appoint or authorize the appointment of deputies or assistants in any office.
 - (e) To discontinue any appointment; provided that the offices specified in this charter shall not be discontinued, except as herein otherwise provided, or by amendment of this charter.

City And County Officials Combined.

SEC. 42. The council may provide by ordinance in accordance with the provisions of the Constitution and general laws, for the assignment of the duties of any official of the city in whole or in part, to the corresponding official of the county, and in such case the city office may be discontinued or suspended, or any remaining duties may be combined with those of any other office.

CITY CLERK.

Duties.

City clerk.

SEC. 43. The city clerk shall serve as secretary of the council; shall keep accurate records of the proceedings of each meeting; and shall keep a record of all ordinances and resolutions passed by the council.

He shall countersign all warrants for the payment of money by the city, except from the library and school appropriations; he shall keep an account of all moneys due to, and all receipts and disbursements by the municipality; all of its assets and liabilities; and of all appropriations made by the council.

CITY ATTORNEY.

Qualifications.

SEC. 44. The city attorney shall be a lawyer admitted to practice in all courts of California, and shall be chosen preferably from the members of the local bar. City attorney.

Duties.

SEC. 45. The city attorney shall prosecute in behalf of the people, all criminal cases arising upon violations of this charter and of the city ordinances, and shall attend to all suits, matters, and things in which the city may be legally interested; provided, the council shall have control of all litigation and legal matters in which the city may be interested, and may employ other attorneys to take the entire charge thereof, or to assist the city attorney therein, or to advise the council upon any legal matter.

The city attorney shall be the legal advisor of all city officers, and shall give his advice or opinion in writing whenever requested by any city officer on city business. He shall approve the form of all bonds, contracts, or other instruments in writing in which the city is concerned; he shall either draft or approve the draft of all proposed ordinances for the city, except those proposed by initiative.

CITY TREASURER.

SEC. 46. The city treasurer shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such place or places as may be determined by the council. He shall pay out money only on warrants issued by the persons authorized by law. City treasurer.

LIBRARY TRUSTEES.

Membership.

SEC. 47. The Board of Library Trustees shall consist of three members, each to serve for three years, except that at the first appointment under this Charter, one shall be appointed for one year, one for two years, and one for three years; and thereafter one shall be appointed each year. They shall serve without pay. Library trustees.

SEC. 48. Under their government and management, the "Salinas Public Library" shall be maintained in accordance with the laws of the state governing free public libraries.

BOARD OF EDUCATION.

*Membership.*Board of
education.

SEC. 49. The Board of Education shall consist of three members to be appointed for terms of three years each except that at the first appointment under this charter, one shall be appointed for one year; one for two years; and one for three years; and thereafter one shall be appointed each year. They shall serve without pay.

Duties.

SEC. 50. The Board of Education shall have the entire control and management of the public schools and school property 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 of such control and management.

They shall for each ensuing school year, elect a city superintendent of schools who shall be ex-officio secretary of the board, and shall hold office for the term of one year. He shall possess the qualifications prescribed for public school teachers under the state school law.

BOARD OF HEALTH.

*Membership.*Board of
health.

SEC. 51. The Board of Health shall consist of five members; the health officer and four other members, two of whom shall be physicians. With the exception of the health officer, the members of the Board of Health shall serve without pay.

Duties.

SEC. 52. The Board of Health shall exercise general supervision over the health and cleanliness of the city, and shall take all necessary measures for the preservation and promotion thereof. It shall enforce all laws, ordinances, and regulations relative to the preservation and promotion of the public health, the prevention and restriction of disease, the prevention and suppression of unsanitary conditions, and the sanitary inspection and supervision of the production, transportation, storage and sale of food stuffs; and shall cause a complete and accurate system of vital statistics to be kept.

The health officer shall be the chairman and chief executive officer of the board; and shall have police powers.

FIRE DEPARTMENT.

Fire
department.

SEC. 53. The Fire Department of Salinas shall consist of a chief, and such other officers as the council may by ordinance, create; such volunteer or paid fire companies as may be admitted thereto by the council; the city's fire alarm telegraph system; all fire engines and apparatus for preventing

or extinguishing fires belonging to the city, and all persons employed in or about the preservation or use thereof; the council shall, by ordinance, provide for its organization, maintenance and government.

POLICE DEPARTMENT.

SEC. 54. The Police Department of Salinas shall consist of a permanent force of such number of policemen, not less than two, as the council shall, from time to time determine; the council shall by ordinance provide for its government and control.

POLICE COURT.

SEC. 55. The judicial power of the city shall be vested in a Police Court which shall be presided over by a Police Judge, who shall be a resident, and qualified elector of the city, and may be a Justice of the Peace of Monterey County, residing in the city.

Jurisdiction.

SEC. 56. The Police Court shall have jurisdiction concurrently with the Justice's Courts and courts of inferior jurisdiction, of all criminal actions and proceedings arising within the city limits, and which might be tried in such Justices' Court or courts of inferior jurisdiction, and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any city ordinance, and all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violations of any ordinances. In all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is less than three hundred dollars (\$300.00), the trial must be before this court.

Rules of Practice.

SEC. 57. Except as in this section otherwise provided, the rules of practice and mode of proceedings in the Court, shall be the same as are, or may be, prescribed by law for Justices' Courts or courts of inferior jurisdiction in like case, and appeals may be taken to the Superior Court of the county in which the city is situated, from all judgments of the court in like manner and with like effect as in cases of appeals from Justices' Courts or courts of inferior jurisdiction.

Disqualification of Judge.

SEC. 58. In all cases where he is a party, or in which he is interested, or when he is related to either party in consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace, or judge residing in the city to act in his place and stead; or if all

Salinas
city charter.

those residing are likewise disqualified, then he may call in any such justice or judge residing in the county in which the city is situated.

Fines.

SEC. 59. All fines, penalties and forfeitures collected, shall be the property of the city, and shall be deposited with the city treasurer for the use of the city.

Supplies and Court Room.

SEC. 60. The city shall furnish all dockets, books and supplies necessary for the business of the police court, and a court room for the holding thereof. A complete record of all cases shall be entered in the docket of the court.

CITY ENGINEER.

City
engineer.

SEC. 61. The city engineer shall make all surveys, inspections, plans, specifications and estimates required by the council, and shall be the custodian of, and responsible for, all city property connected with his department. Of such property he shall keep a complete inventory, and permit none of it to be withdrawn for private use. In said property shall be included all maps, plans, field-notes, memoranda and other professional work made by him, or under his control as city engineer. His services shall be available for individuals, companies, or corporations within the city for establishing city lines and grades, the fees and charges for such services to be established by the council.

ADDITIONAL DEPARTMENTS.

SEC. 62. The council shall have power to create by ordinance additional departments for the administration of the city government, and to provide for their organization.

REPORTS OF OFFICIALS.

SEC. 63. Each of the executive officers and boards of the city, shall annually render to the council, on such date as may be fixed by it, a full report of the transaction of his department, for the year, and shall furnish to the council at any time, such information relating to his department as it may require.

Publicity.

SEC. 64. All books and records of all officers and departments of the city, shall be open to the inspection of any citizen at any time during business hours, and citizens shall have the right to copy such records in whole or in part.

SPECIAL POWERS.

SEC. 65. The council, city manager, city assessor and city clerk, shall have power to administer oaths whenever necessary in carrying out their official duties.

SALARIES AND BONDS.

SEC. 66. The council shall, by ordinance, determine the duties and fix the salaries or rates of compensation of all its appointees. Salinas city charter.

The council may require any officer or employee to give a bond for the faithful performance of his duty in such an amount as it may determine, and it may provide that the premium thereof, shall be paid by the city.

Fixed salaries of officers or employees of the city shall not be increased during any current fiscal year.

TAXATION AND REVENUE.

Fiscal Year.

SEC. 67. The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance. Taxation and revenue.

License Tax.

SEC. 68. The council shall, by ordinance fix a license tax for the purpose of regulation and revenue, on all and every kind of business not prohibited by law, and transacted and carried on in said city, and on all shows, exhibitions and lawful games carried on therein, and provide for the collection thereof.

Special Tax.

SEC. 69. No special tax shall be levied by the council unless such levy shall first have been submitted to an election of the people, and approved by at least two-thirds of the qualified electors who voted thereon.

Annual Tax Levy.

SEC. 70. The council shall annually levy and collect a tax upon all real and personal property, situated within Salinas, taxable under the general laws for municipal purposes.

Assessment Roll.

SEC. 71. On or before the first Monday in July of each year, the city assessor shall make and complete his list of taxable property or assessment roll for the city, and shall attach his certificate thereto and deliver the same to the council. Upon receiving such assessment roll, the council shall fix the times and place for meetings of the Board of Equalization, and the city clerk shall give notice thereof, by publication, for at least ten days prior thereto, in a daily newspaper, published and circulated in Salinas.

Board of Equalization.

SEC. 72. The council shall constitute the Board of Equalization to equalize said assessment roll. It shall meet on at

Salinas
city charter.

least three different days, at such times and place as the council may fix, and it may adjourn from day to day thereafter, until the business brought before it is completed; not later, however, than the last day of said month of July. Its sessions shall be public. Said Board of Equalization shall have power to increase or diminish the amount of any assessment on said list, and, as regards the equalization of said roll, it shall have the same powers as those conferred by law upon Boards of Supervisors when sitting as a Board of Equalization to equalize assessments for state and county taxes. When such assessment roll has been equalized, it shall be returned to the assessor.

Tax Rate.

SEC. 73. The council shall, in the month of August of each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all taxable property, real and personal within the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government during the current fiscal year, and pay the principal and interest of the city's bonded indebtedness. After the first annual levy of taxes under the provisions of this charter, the tax rate of any one year shall not exceed the tax rate of the previous year, by more than five per cent thereof.

Council To Establish Funds.

SEC. 74. The council shall establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund; and the annual tax levy shall name the percentage of said levy for each of said funds and the whole amount of the taxes and revenue of the city shall be apportioned accordingly. No transfer of money shall be made from one fund to another, except of balance in excess of the amount required in a fund, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds.

Computation of Taxes.

SEC. 75. As soon as the council has fixed the rate, the city assessor must compute and enter in a separate column on the assessment roll, the respective sums, in dollars and cents (rejecting fractions of a cent) to be paid on the property therein listed, and foot up the columns showing the total amount of taxes levied, and on or before the first Monday in October, deliver the roll, so completed, to the city collector.

Mode of Assessment.

SEC. 76. The council shall provide by ordinance a system for the levy and collection of all city taxes, which system shall provide for the payment of taxes in two installments at the

times and in the manner required by the laws of this state and otherwise shall conform, as nearly as circumstances may permit to the provisions of the laws of this state. Salinas city charter.

The provisions herein respecting assessment and the levy and collection of taxes are subject to the powers conferred on the council by Section 42 of this charter.

Collection of Public Moneys.

SEC. 77. All public money collected or received by any officer or employee of the city, shall be paid into the city treasury without any deduction on account of any claim for fees, commissions or any other cause or pretence.

Monthly Statement of Moneys Collected.

SEC. 78. Every officer and regular salaried employee of Salinas, and every other person authorized to collect or receive money for, or on account of said city, shall on the first Monday in each month, make and file with the city clerk a statement, duly verified, of all money belonging to said city collected or received by him during the calendar month last past, and upon receiving the necessary certificate from the city clerk, he shall pay the same into the city treasury. If no such money is received during any month, the statement shall show that fact. No salary shall be paid any officer or employee of the city, until he shall have first complied with the provisions of this section.

Bond Issues.

SEC. 79. Subject to the provisions of this charter, and ordinances of the city, now and hereafter adopted, bond issues of the city shall be conducted and proceedings followed in connection therewith, in accordance with the general laws now or hereafter enacted, applicable thereto.

PUBLIC IMPROVEMENT.

Methods of Procedure.

SEC. 80. Proceedings for all public improvements which are to be paid for by assessment upon private property shall be according to the general laws of the state. Public Improvement.

PUBLIC WORK NOT PAID FOR BY ASSESSMENT.

SEC. 81. In all public work, excepting work on sewers and emergency work, where the estimated cost of the work is in excess of \$500.00, the council shall advertise for sealed bids in such manner as they may provide, and the contracts shall be awarded to the lowest responsible bidder, provided that the council shall have authority to reject any or all bids; provided further that for any public work, if the council shall be advised by the city engineer 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 by day's work under the supervision and direction of the said city engineer.

FRANCHISES.

Franchises.

SEC. 82. No exclusive franchise or privilege shall be granted by Salinas for any purpose. In granting franchises the council shall be governed by the general laws of the state in force at the time, but in each instance it may impose such additional lawful conditions, limitations and restrictions as, in its opinion, subserve the public interest and welfare.

PUBLIC UTILITIES.

When Authorized May Acquire.

Public utilities.

SEC. 83. The council, may after being duly authorized thereto by the vote of two-thirds of the electors of Salinas voting at a special election called for that purpose, lease, purchase, construct, acquire, own, control, manage and operate street railroads within said city or works for supplying said city and its inhabitants with water, gas, electric or other artificial light, electric power, or local telegraph or telephone service; together with the land, water-rights, reservoirs, aqueducts, buildings, machinery, pipes, wires and other articles and appliances necessary or incident to such works.

May Call Special Election.

SEC. 84. The council may at any time, and upon receiving a petition therefor signed by a number of voters equal to forty per cent of the votes cast at the last regular municipal election, must call a special election at which shall be submitted to the qualified electors of Salinas the proposition of acquiring any or all of the public utilities mentioned in this article, and in case the cost of any thereof is too large to be paid out of the ordinary annual income and revenue of said city, the incurring of a bonded indebtedness to pay such cost. Such special elections shall be conducted as herein provided and all bonded indebtedness shall be incurred and paid in the manner provided by the general laws of the state in force at the time.

Provide for Maintenance.

SEC. 85. Whenever Salinas shall acquire any public utility, the council shall, by ordinance, provide for the maintenance, preservation, management, operation and use thereof, and for that purpose may create such offices, boards and commissions in addition to those provided for in this charter, as it may deem necessary, provide for their election or appointment, prescribe their powers and duties and fix their compensation.

CLAIMS AND DEMANDS.

Claims.

SEC. 86. All claims and demands whatever against Salinas, except salaries, interest coupons on bonds, and bonds of the funded debt, shall be paid only on claims as herein provided. Claims and demands.

Form of Claims.

SEC. 87. All such claims (except those payable out of the school fund or library fund) shall be itemized and made out on blank forms adopted by the council and furnished by the city clerk for that purpose, verified by the affidavit of the claimant or some person in his behalf and filed with the city clerk; and until a claim is so made out, verified and filed, it shall not be considered by the council. At its regular monthly meeting and at such other times as it may desire, the council shall examine and allow, in whole or in part, or reject all such claims then on file with the city clerk. The action of the council respecting each claim shall be forthwith endorsed thereon and certified by the signature of the mayor.

POWERS RESERVED TO THE PEOPLE.

SEC. 88. The people reserve to themselves the power to adopt or reject ordinances at the polls, independent of the council.

THE INITIATIVE.

Procedure.

SEC. 89. The electors may exercise their power of adopting Initiative. ordinances through the following procedure: A petition to the council containing a proposed ordinance, signed by not fewer than one hundred electors and asking for the adoption by the council, or, failing that, its submission to the people, shall be filed with the city clerk.

The city clerk shall present the petition to the council at its next regular meeting. If the council shall fail to adopt the ordinance within forty days thereafter, the petition shall remain on file in the city clerk's office for a further period of thirty days, during which time it may be signed in person by qualified electors of the city.

Each signer of the petition shall sign his name in ink or indelible pencil, and shall place thereafter his place of residence by voting precinct, and by street and number.

Certification.

SEC. 90. At the expiration of said period of thirty days, the city clerk shall examine the petition and within ten days, ascertain and certify thereupon, the number of signatures of qualified voters thereto, and shall present the petition so certified to the council at its next regular meeting. If the city

Salinas
city charter.

clerk's certification shall show the number of signatures to be as many as ten per cent of the number of votes cast at the last regular municipal election, the council shall forthwith adopt the ordinance without change or order the same to be submitted at the next regular municipal election.

Calling the Election.

SEC. 91. If the city clerk's certification shall show the number of signatures to be not less than twenty-five per cent of the number of votes cast at the last regular municipal election, the council shall thereupon adopt the ordinance without change, or order its submission at an election to be held not less than twenty nor more than forty days from the date of the second presentation to the council; which election shall be held at the same time as any regular or special municipal election to be held within such period; but if no such regular or special election is to be held within such period, the council shall call a special election to be held within the time aforesaid.

Form of Ballot.

SEC. 92. The ballot used when voting on the proposed ordinance shall set forth the title of the ordinance in full, state its general nature, and shall contain the words: "For the Ordinance." Opposite such proposition to be voted on, the words, "Yes," and "No" shall be printed on separate lines with voting squares in which the voter may stamp his cross. If a majority of those voting on such proposed ordinance shall vote in favor thereof, such ordinance shall be deemed adopted, and shall take effect at such time as shall be specified in the ordinance itself.

Several Ordinances May Be Submitted.

SEC. 93. Any number of proposed ordinances may be submitted at the same election, and if the provisions of two or more ordinances conflict, the one having the highest affirmative vote shall prevail.

Adopted and Defeated Ordinances.

SEC. 94. An ordinance adopted or defeated at the polls, may not be submitted to the electors again within a period of one year.

An ordinance adopted or amended at the polls may be repealed or amended only by vote of the electors.

THE REFERENDUM.

Petition.

Referendum.

SEC. 95. If within thirty days after the adoption of an ordinance by the council there shall be presented to the council, a petition which shall have been placed for signatures in the

city clerk's office at the request of five or more electors, and there signed by qualified electors equal to or in excess of ten per cent of the number of votes cast at the last regular municipal election, asking that any such ordinance be repealed, or submitted to a vote of the electors, said ordinance shall thereupon be suspended from going into effect. Salinas
city charter.

Calling Election.

SEC. 96. The council shall thereupon reconsider such ordinance, and if it be not entirely repealed, shall submit the same to a vote of the electors at the next regular or special municipal election, if such shall occur not less than twenty nor more than ninety days from the date of the presentation of the petition to the council.

If no such election is to occur, then the council shall submit said ordinance at a special election to be held not less than twenty nor more than thirty days after said date of presentation.

Filing of Petition.

SEC. 97. The filing, verifying, and certifying of referendum petitions, and the form of ballot shall be substantially the same as are required for the initiative; and ordinances thus referred shall not go into effect unless approved by a majority of those voting thereon.

Not Subject to Referendum.

SEC. 98. All ordinances excepted in section thirty-six herein, from its operation, and all ordinances making or authorizing contracts for improvements, the expenses whereof are to be defrayed by special local assessments, or where the cost involved is less than \$1,000.00, shall not be subject to referendum.

RECALL.

SEC. 99. Any member of the council may be removed from office through the following procedure: Recall.

Petition.

SEC. 100. A written request of fifty (50) electors of the city, setting out therein the reasons therefor, not exceeding two hundred (200) words in number, demanding that the question of removing a member of the council be submitted to the electors, shall be filed with the city clerk.

Thereafter, the city clerk shall notify such member of the council of the request thus filed, and the reasons set out therein. Such member shall have five days thereafter in which to file with the city clerk his answer to the reasons set out therein, not exceeding two hundred (200) words, why such question should not be submitted to the electors.

Salinas city charter.

Thereupon, the city clerk shall immediately put on file in his office a petition for the recall of such member of the council, setting out therein the reasons for and against the recall.

Form of Petition.

SEC. 101. The form of petition shall be as follows:

TO THE COUNCIL OF SALINAS,
PETITION FOR OR AGAINST RECALL.

Of----- (Name in full)
As----- (Give name of office)

Reasons for Recall.

(Here insert reasons contained in request for recall.)

Reasons against Recall.

(Here insert reasons against recall as contained in answer.)

I, the undersigned, certify that I am a qualified elector of Salinas, State of California; that I have carefully read the foregoing reasons both for and against the recall of said officer and have signed below in accordance with my convictions; that I am not at this time a signer of any other like petition;

That I

That I am

Favor the recall of
----- (name of officer)
and petition the council
forthwith to submit the
question to vote of the elec-
tors.

Against the recall of
----- (name of officer)
and oppose the submission
of the question to the vote of
the electors.

(Signed) -----

(Signed) -----

(Residence) -----

(Residence) -----

The petition shall remain on file in the city clerk's office, easy of access, for the period of thirty days, during which time it may be signed, in person, by any qualified elector of the city, in accordance with their conviction for or against the recall.

Each signer of said petition shall sign his name in ink or indelible pencil, and shall place thereafter his place of residence by voting precinct and by street and number.

Certifying Petition.

SEC. 102. At the expiration of said thirty days, the city clerk shall examine said petition, and shall, within ten days ascertain, and certify upon said petition, whether or not the signatures of qualified voters thereto, amount to ten per cent of the highest vote cast for a councilman, at the last preceding general municipal election, in excess of the signatures of qualified electors opposed to the recall, and present the same to the council at its next regular meeting.

If the city clerk's certificate shall show that the signatures of qualified voters thereto, favoring the recall is less than ten per cent of the highest vote cast for a councilman, at the last preceding general municipal election, in excess of the signatures of qualified electors opposed to the recall, the council shall make public announcement thereof, and no further recall proceedings shall be undertaken against the councilman within a period of six months.

*Salinas
city charter.*

If the city clerk's certificate shall show the number of legal signatures favoring the recall to be as many as ten per cent of the highest vote cast for a councilman, at the last preceding general municipal election, in excess of the signatures of qualified electors opposed to the recall, the council shall order the city clerk to serve notice thereof, upon the member of the council sought to be removed.

Calling the Election.

SEC. 103. If the member does not resign within five days after such notice, the council shall order and fix a date for holding a recall election, which shall be held not less than twenty days nor more than forty days from the submission of the petition to the council; provided, that if any other municipal election is to be held within such period, the recall election shall be held at the same time.

Ballots.

SEC. 104. The ballots at such recall election shall conform to the following requirements:

With respect to each person whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the office of Councilman."

Immediately to the right of this question shall be placed, one under the other, the words "Yes" and "No," and opposite each of these words a square in which the elector, by stamping a cross mark (X), may indicate his will.

Below may be printed statements by the advocates of the recall and by the councilman whose recall is sought, each to be given in not more than two hundred (200) words.

When Recalled.

SEC. 105. Should a majority of the votes cast at a recall election be against the recall of the councilman named on the ballot, or should the vote thereat on his recall, be a tie, he shall continue in office. If a majority of the votes cast on the question of the recall of a particular councilman at a recall election be for the recall of such councilman, he shall, regardless of any technical defect in the recall petition, be deemed removed from office, and the vacancy thus caused shall be filled as provided in Section 31.

*Preservation of Petitions.*Salinas
city charter.

SEC. 106. All petitions for nominations, initiative, referendum, and recall, shall be kept on file in the city clerk's office for two years from the date of their submission to the council.

APPLICATION OF GENERAL LAWS.

SEC. 107. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances, or resolutions hereby continued in force, or hereafter enacted, shall be applicable to the city.

MISCELLANEOUS PROVISIONS.

Suits Against the City.

SEC. 108. No suit shall be brought upon any claim for moneys or damages against the city until the demand for the same has been presented to the council and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole.

Ordinances Not To Go Into Effect, During Fiscal Year.

SEC. 109. No initiative ordinance providing for the expenditures of public moneys or for an increase in salaries, shall take effect until the beginning of the fiscal year, following its adoption.

Regulations Subject To Council's Approval.

SEC. 110. All rules and regulations of the Boards of Health and Library Trustees, shall be subject to approval by the council, and when so approved shall have the force and effect of ordinances.

Violation Of Charter And Ordinances.

SEC. 111. The violation of any provision of this charter, or of any ordinance of the city, shall be deemed a misdemeanor. Any person sentenced to imprisonment for a violation of a provision of this charter, or of any ordinance, may be imprisoned in the City Jail, or in the County Jail of the county in which the city of Salinas is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Salinas.

Undetermined Proceedings In The Police Court of Salinas City.

SEC. 112. All actions and proceedings pending and undetermined in the Police Court of Salinas City, shall be proceeded with, heard, tried and determined in the Police Court

hereby provided for before the Judge thereof, the same as if said action or proceeding had been originally commenced in said Police Court. Saltus city charter.

Prohibitions.

SEC. 113. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds, and are affected by any official act of said officer or employee; or in the sale of any article, the price or purchase of which by or for the city, or the public schools thereof, depends directly or indirectly upon the official act of such officer or employee.

No officer or employee of the city shall be financially interested, directly or indirectly, in the granting of any city franchise, right or privilege.

Any officer or employee of the city violating the provisions of this section, shall forfeit his office or employment; and all contracts made, or rights, franchise or privileges granted in violation of this section shall be void.

Abatement of the Unightly.

SEC. 114. (a) The council shall have the power to require owners of real property within the city to remove grass, weeds, or other growths, rubbish, or other obstruction from the sidewalks, parkings, streets and alleys in front thereof, or upon which said property abuts, and upon their default, to cause such work to be done, and the cost thereof, to be made a lien and charge upon any such real property, and to make provisions for the enforcement of such lien by the sale of such property or otherwise.

(b) The Council shall have power to require or provide by ordinance for the removal from property, lands, or lots, of all weeds, rubbish or any other material which may endanger or injure the public health, safety or welfare, and to make the cost thereof, a lien and charge upon such property, lots or lands, and to make provisions for the enforcement of such lien by the sale of such property, lots or lands or otherwise.

Existing Ordinances Continued.

SEC. 115. All city ordinances, resolutions or 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.

Present Contracts Continued.

SEC. 116. All rights, actions, proceedings, prosecutions and contracts of the city, or any of its departments or officers,

Salinas
city charter.

pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

Charter To Take Effect.

SEC. 117. For the purpose of nominating and electing members of the council, and all purposes connected therewith, this charter shall take effect from the time of its approval by the Legislature. For the purpose of establishing departments, divisions and officers, and distributing the functions hereof, and for all other purposes, it shall take effect from and after the first Monday in July, 1919, at 12 o'clock noon of that day.

Officers To Hold Over.

SEC. 118. All officials of Salinas City, including the members of all Boards and Departments, and excepting the Mayor and members of the Council and members of the Board of Park Commissioners, in office at the time this Charter takes effect, shall continue in office until their successors are qualified.

SAVING CLAUSE.

SEC. 119. Nothing in this Charter shall be construed as limiting the power of the Council to enact any ordinance or resolution relating to municipal affairs, not in conflict with the Constitution of the State, or with the express provisions of this Charter; and if any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section, or part of a section of this Charter, unless it clearly appears, that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

BE IT KNOWN, that Salinas City, in the State of California, containing a population of more than three thousand five hundred inhabitants, as ascertained and established by the last preceding census, taken under the direction of the Congress of the United States, did on the 6th day of May A. D. 1918, at a special election held under and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, elect the undersigned a Board of fifteen Frecholders, to prepare and propose a Charter for said city; and we, the members of said board, in pursuance of said provision of the Constitution and within a period of one hundred and twenty days after the result of said election was declared by the Council of said Salinas City, have prepared and do

propose the foregoing, as and for the Charter of the said ^{Certificate of} Salinas City. _{freeholders.}

IN WITNESS WHEREOF, we have hereunto set our hands this twentieth day of August, A. D., 1918.

G. A. DAUGHERTY,
Chairman.

T. C. EDWARDS,
W. J. IRVINE,
F. B. LAURITZEN,
LOU G. HARE,
C. R. MELANDER,
J. N. ANDERSON,
CHAS. L. PIODA,
D. A. MADEIRA,
JESSE B. IVERSON,
FRANK S. CLARK,
C. F. LACEY,
A. C. HUGHES,
ELMER P. ALEXANDER,
W. C. HILL.
J. H. ANDRESEN, Secretary.

The Board of Freeholders of Salinas City hereby request the Council of said city to cause the publication of the foregoing proposed Charter in the manner provided by law, and fixes Tuesday, the fifth day of November, A. D., 1918, as the date on which said Charter shall be submitted to the electors of said city, at the general election to be held on said date, for their ratification and adoption.

Dated: August 20, 1918.

G. A. DAUGHERTY,
Chairman.

T. C. EDWARDS,
W. J. IRVINE,
F. B. LAURITZEN,
LOU G. HARE,
C. R. MELANDER,
J. N. ANDERSON,
CHAS. L. PIODA,
D. A. MADEIRA,
JESSE B. IVERSON,
FRANK S. CLARK,
C. F. LACEY,
A. C. HUGHES,
ELMER P. ALEXANDER,
W. C. HILL.
J. H. ANDRESEN, Secretary.

Filed, August 21st, 1918.

M. R. KEEF,
City Clerk of Salinas City,
State of California.

STATE OF CALIFORNIA,
 COUNTY OF MONTEREY, } SS.
 SALINAS CITY.

Certificate
 of clerk.

M. R. KEEF, City Clerk of Salinas City, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of Salinas City, prepared and proposed by a duly qualified board of freeholders, duly elected on the sixth day of May in the year one thousand nine hundred and eighteen; that a copy of said charter was duly filed with the mayor of Salinas City on the twenty-first day of August, one thousand nine hundred and eighteen, said copy being signed by all of the members of said board; that thereafter said proposed charter was duly published in a daily newspaper of general circulation in said Salinas City for at least twenty days, and the first publication thereof was made within twenty days after the completion of said charter; that within less than thirty days after such publication, said charter was submitted to the qualified voters of said city at a general election, said election being held on Tuesday, the fifth day of November, one thousand nine hundred and eighteen, and at such election a majority of such qualified voters voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned said Salinas City contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salinas City this twenty-third day of December, one thousand nine hundred and eighteen.

[SEAL]

M. R. KEEF,
 City Clerk of Salinas City.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said city to be affixed this 23rd day of December, 1918.

[SEAL]

G. A. DAUGHERTY,
 Mayor of Salinas City.

M. R. KEEF,
 City Clerk of Salinas City.

AND WHEREAS, said charter has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
 legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by said Salinas City, and as herein above fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Salinas.

CHAPTER 10.

Assembly Concurrent Resolution No. 7—Approving two amendments to the charter of the city of Sacramento, in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city of Sacramento at a special election called therefor on the fifth day of November, 1918.

[Filed with Secretary of State January 24, 1919.]

WHEREAS, The city of Sacramento in the county of Sacramento, State of California, containing a population of over three thousand five hundred inhabitants, is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of Article XI of the constitution, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the seventh day of November, 1911, and approved by the legislature of the State of California on the ----- day of -----, 19-- (Statutes of 1911, extra session, page 305), which charter has never been amended; and

Sacramento city charter amendments.

WHEREAS, The legislative authority of said city of Sacramento did by ordinance No. 353, third series of the ordinances of said city, adopted by the city commission of said city on the seventeenth day of September, 1918, and pursuant to section 8 of Article XI of the constitution of the State of California, propose to submit to the qualified electors of the said city of Sacramento, two certain amendments to the charter of said city, which two amendments were and are in the words and figures following, to wit:

“QUALIFICATIONS.

Section 166. Every appointee to the department shall not be less than twenty-one nor more than forty years of age and before his appointment must pass a satisfactory examination under the rules and regulations prescribed by the Civil Service Board.

Qualifications for members of fire department.

APPOINTMENTS—DUTIES OF THE CHIEF OF THE FIRE DEPARTMENT—HOURS OF SERVICE.

Section 167. All Assistants, subordinate officers, firemen, extramens, clerks, employes and other attaches shall be appointed by the Commissioner having charge of the department, subject to the provisions of Article XV of this charter.

The Chief of the Fire Department shall be charged with the special duty of superintending the extinguishment of fires. He shall have such powers and perform such other duties as may be provided for by this charter, or by ordinance. In the absence or disability of the Chief of the Fire Department, an Assistant Chief shall perform his duties.

Duties of chief and assistant chief.

The Chief and Assistant Chief shall, except as herein provided, devote their entire time to the Fire Department, and shall not engage in any other occupation or business requiring their personal attention; and neither shall absent himself from the city without first obtaining written permission from the Commissioner in charge of the department, which must be filed with the City Clerk; but in no case shall both the Chief and Assistant be absent at the same time; it is further provided that the officers and members of the Fire Department shall be divided into two bodies or platoons, one to perform day service, and the other to perform night service, the hours of the day service shall be from eight o'clock A.M. to six o'clock P.M. and the hours of the night service shall be from six o'clock P.M. to eight o'clock A.M.

Two-platoon
system.

Change
of shifts.

Officers and members of the Fire Department shall change shifts at intervals of at least every seven days.

No officer or member of the Fire Department shall be required to remain on duty for two shifts consecutively, the Chief and Assistant Chief not included, except during the change shift and annual vacation period, or in case of great conflagration or disaster."

And

WHEREAS, Said proposed amendments were, and each of them was, published once, to wit: on the twenty-third day of September, 1918, in the official newspaper printed and published and of general circulation in said city of Sacramento; and

WHEREAS, Copies of such proposed amendments to said charter were printed in convenient pamphlet form; and

WHEREAS, A notice was published in the said Sacramento Bee, a newspaper of general circulation as aforesaid that said copies could be had upon application therefor at the office of the city clerk of the city of Sacramento; said notice being published commencing on the twenty-third day of September, 1918, and ending on the fifth day of November, 1918; and

WHEREAS, The city commission of the city of Sacramento did by said ordinance No. 353, third series, duly adopted as aforesaid, on the seventeenth day of September, 1918, call a special election to be held in said city of Sacramento on the fifth day of November, 1918, at least forty days after the publication of said proposed amendments in said daily newspaper of general circulation in the said city of Sacramento, to wit: the Sacramento Bee, for the purpose of submitting said proposed amendments to said charter to the electors of said city for their ratification; and

WHEREAS, The city commission of the city of Sacramento did by resolution No. 1402 request the board of supervisors of the county of Sacramento to consolidate said special election, called for the purpose of submitting said proposed amendments to the charter of the city of Sacramento to the qualified electors of said city, with the general election called for the

fifth day of November, 1918, and did by said resolution No. 1402 authorize the said board of supervisors of said county of Sacramento to canvass the returns of the votes cast on said proposed amendments to the said charter; and Sacramento city charter amendments.

WHEREAS, The board of supervisors of the county of Sacramento did consolidate said special election, called for the purpose of submitting said proposed charter amendments to the qualified electors of the city of Sacramento with the general election called for the fifth day of November, 1918; and

WHEREAS, At said election a majority of the qualified voters, voting thereat, voted in favor of and did ratify each of said two proposed amendments to said charter; and

WHEREAS, The board of supervisors of the county of Sacramento duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified voters, voting at said election, had voted for and ratified the said two amendments to said charter; and

WHEREAS, The board of city commissioners of the city of Sacramento, county of Sacramento, State of California duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified voters voting at said election had voted for and ratified the said two amendments for said charter; and

WHEREAS, The said proposed amendments, so ratified, have been duly presented and submitted to the legislature of the State of California for approval or rejection as a whole, 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 that the assembly of the State of California, the senate thereof concurring, Approval by legislature. (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 the city of Sacramento, 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 said city of Sacramento.

STATE OF CALIFORNIA, }
County of Sacramento. } ss.

This is to certify that we, D. W. Carmichael, chairman of the board of city commissioners of the city of Sacramento, county of Sacramento, State of California, and M. J. Desmond, city clerk and ex officio clerk of the board of city commissioners of the city of Sacramento, county of Sacramento, State of California, have compared the foregoing proposed and ratified amendment to the charter of the said city of Sacramento, county of Sacramento, State of California, with the original proposals, submitting the same to the electors of said city of Sacramento, county of Sacramento, State of California at a general election held on Tuesday the fifth day Certificate.

Certificate.

of November, 1918, and found that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment of said charter are, and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be dedicated by the seal of the city of Sacramento, county of Sacramento, State of California this fifteenth day of January, 1919.

D. W. CARMICHAEL,
Chairman Sacramento City Commission.

[SEAL.]

M. J. DESMOND,
City Clerk and ex officio Clerk of Sacramento City Commission.

CHAPTER 11.

Senate Concurrent Resolution No. 9—Approving three 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 electors of said city of Los Angeles at a special municipal election held therein on the fifth day of November, 1918.

[Filed with Secretary of State January 24, 1919.]

Los Angeles
city charter
amendments.

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the year 1889, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889 (Statutes of 1889, page four hundred fifty-five); and

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolutions adopted September 24, 1918, duly propose to the qualified electors of said city of Los Angeles eight amendments to the charter of said city, being therein designated as proposed charter amendments numbers one, two, three, four, five, six, seven and eight, and did, by resolution adopted September 25, 1918, duly propose to the qualified electors of said city of Los Angeles one amendment to the charter of said city, being therein designated as proposed charter amendment number nine, and ordered that said amendments be submitted to said qualified electors of said city at a

special municipal election to be held in said city on the fifth day of November, 1918, which date was fixed in said resolutions as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments numbers one, two, three, four, five, six, seven and eight were, and each of them was, on September 25, 1918, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said council for that purpose, and said proposed charter amendment number nine was, on September 25, 1918, duly published in the Los Angeles Evening Herald, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said council for that purpose; and said proposed amendments were printed in convenient pamphlet form, and from September 26, 1918, to November 5, 1918, both inclusive, a notice was published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as ordinance number thirty-eight thousand five hundred eighteen (new series), which was duly adopted on the ninth day of October, 1918, order the holding of a special municipal election in said city of Los Angeles on the fifth day of November, 1918, which said date was more than forty days and less than sixty days after the completion of the publication of said nine proposed amendments as aforesaid, which said ordinance was approved by the mayor of said city on the tenth day of October, 1918, and was published for at least five times prior to the time appointed for the holding of said election, to wit, on October 16, 17, 18, 19 and 21, 1918, in The Los Angeles Daily Journal, a daily newspaper printed and published in said city; and said special municipal election was by said ordinance ordered consolidated, according to law, with the general state election to be held in said city on said fifth day of November, 1918; and

WHEREAS, Said council of said city did, by ordinance designated as ordinance number thirty-eight thousand five hundred forty-one (new series), which was duly adopted on the twenty-first day of October, 1918, order the submission to the qualified electors of said city of said nine proposed charter amendments at the election called to be held in said city on the fifth day of November, 1918, as aforesaid, which said ordinance was approved by the mayor of said city on the twenty-second day of October, 1918, and was thereafter published in The Los Angeles Daily Journal, a daily newspaper printed and published in said city for the time and in the manner prescribed by law; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the fifth day of November, 1918, which day was more than forty days and less than sixty days after

Los Angeles
city charter
amendments.

Los Angeles
city charter
amendments.

said proposed amendments to said charter had been published once in The Los Angeles Daily Journal, and said election was also held during the six months next preceding a regular session of the legislature of the State of California; and

WHEREAS, Thereafter, the board of supervisors of Los Angeles county, California, did duly canvass the returns of said special municipal election, and did, on the twenty-first day of November, 1918, duly certify the result of said canvass to said council of said city of Los Angeles; and said council of said city did, on the second day of December, 1918, duly and regularly declare the result of the canvass of the returns of said election; and

WHEREAS, At said special municipal election, held on said fifth day of November, 1918, three of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: Charter amendments numbers one, two and nine, and all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said three charter amendments so ratified by the electors of the city of Los Angeles are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER ONE.

That Subdivision (51) of Section 2 of Article I of the Charter of the City of Los Angeles be amended to read as follows:

Powers of
council.

(51) To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; *provided, however*, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise, any or all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the State.

That a new section be added to Article II of the Charter, to be numbered Section 7-a and to read as follows:

Deputies
and
assistants.

Sec. 7-a. All officers of the city shall have such deputies and assistants as the Council shall by ordinance prescribe.

CHARTER AMENDMENT NUMBER TWO.

That Subdivision (13) of Sec. 2 of Article I of the Charter, be amended to read as follows:

Street im-
provements.

(13) To establish, lay out, open, extend, widen, narrow, straighten or vacate streets, alleys, lanes, boulevards, crossings, courts, and other highways and public places and rights of

way; and to construct or reconstruct, or improve in any manner whatsoever, or reimprove or repair, and to establish or change the grade of, streets, lanes, alleys, boulevards, crossings, courts, bridges, viaducts, subways, tunnels and other independent subterranean avenues for travel, other highways and public places, rights of way, and property belonging to the City; and to cause the costs and expenses thereof, including all incidental expenses and any damages to private property occasioned thereby, to be paid from the general fund of the City or from such other fund as the Council may designate, or to levy and collect, or cause to be levied and collected, assessments upon property according to frontage or upon property in districts according to benefits to pay therefor; and to issue bonds extending over a period not exceeding 25 years, to represent such assessments; and to adopt the necessary procedure to carry out the provisions hereof. The powers herein granted shall be deemed to be supplemental and alternative to those conferred upon municipalities by general laws of the State of California.

Street improvements.

CHARTER AMENDMENT NUMBER NINE.

That Section 89 of Article VIII of the Charter be amended to read as follows:

Sec. 89. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain the library department, not less than five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library and branch libraries, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; provided, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the provisions of this Charter and of the general laws of the state, for the purpose of defraying the cost of such improvements.

Library tax.

STATE OF CALIFORNIA }
 COUNTY OF LOS ANGELES } SS.
 CITY OF LOS ANGELES }

We, the undersigned, Frederic T. Woodman, Mayor of the City of Los Angeles, State of California, and Chas. T. Wilde, City Clerk of said city, and ex-officio clerk of the Council of said city, DO HEREBY CERTIFY:

Certificate.

That the foregoing proposed and ratified amendments to the charter of said City of Los Angeles, submitted to the electors of said city at a special municipal election held in said city

Certificate.

on the 5th day of November, 1918, have been compared by us and each of us, with the respective proposed amendments set forth in the resolutions adopted by the Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Los Angeles this 15th day of January, 1919.

F. T. WOODMAN,
Mayor of the City of Los Angeles.

[SEAL]

CHAS. L. WILDE,
City Clerk of the City of Los Angeles.

Now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the City of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be, and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of the charter of the City of Los Angeles.

CHAPTER 12.

Senate Concurrent Resolution No. 5—Relative to approving one amendment to the charter of the city of Petaluma, county of Sonoma, State of California, voted for and ratified by the qualified electors of the said city of Petaluma at a special municipal election held therein for that purpose on the fifth day of November, 1918.

[Filed with Secretary of State January 25, 1919.]

Petaluma
city charter
amendment.

WHEREAS, The city of Petaluma, in the county of Sonoma, State of California, contains a population of more than five thousand inhabitants, and has been ever since the year 1911, 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 fourteenth day of February, A. D. 1911, and approved by the legislature of the State of California on the eighth day of March, 1911 (statutes of 1911, page 1799); and

WHEREAS, The city council of said city of Petaluma did by ordinance duly adopted by said city council and approved by

the mayor of said city on the 16th day of September, 1918, 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 Petaluma, certain amendments to the charter of said city of Petaluma to be submitted to the said qualified electors at a special municipal election to be held in said city on the fifth day of November, 1918; said amendments being three in number; and

Petaluma
city charter
amendment.

WHEREAS, Said proposed amendments were, and each of them was, published for more than ten days in the official newspaper of said city from the 4th day of September 1918, to the 18th day of September 1918, said official newspaper being a daily newspaper printed and published in said city of Petaluma, and having a general circulation therein, to-wit, The Petaluma Argus; and

WHEREAS, The city council of the city of Petaluma did by said ordinance duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city on the 5th day of November, 1918, said day being at least forty days after, and not more than sixty days after the publication of said proposed amendments in said daily newspaper of general circulation in said city of Petaluma, to-wit: The Petaluma Argus; and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, and 3, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said fifth day of November, 1918, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify one of the proposed amendments to said charter; and

WHEREAS, The city council of the said city of Petaluma in accordance with the law in such cases made and provided, did meet on Monday, the eleventh day of November, 1918, at its usual time and place of meeting, and duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified one of said proposed amendments to the charter of said city of Petaluma; and

WHEREAS, The said proposed amendment to the charter so ratified by a majority of the qualified electors of said city voting at said election is in words and figures as follows, to-wit:

CHARTER AMENDMENT NUMBER THREE.

Section 1 of article 11 of said Charter is amended so as to read as follows:

SECTION 1. The council shall by resolution 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 of each

Revenue and
taxation.

Petaluma
city charter
amendment.

year, it shall levy such a tax as may be necessary to raise revenue for the maintainance 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 indebtedness, shall not exceed the sum of 150 cents for each \$100.00 of assessed valuation as the same appears upon the assessment roll.

STATE OF CALIFORNIA, }
County of Sonoma, } ss.
City of Petaluma. }

Certificate.

This is to certify that we, H. S. Gossage, mayor of the city of Petaluma, and Lyman Green, clerk of the city of Petaluma, have compared the foregoing proposed and ratified amendment to the charter of the city of Petaluma with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a general municipal election, called for that purpose on Tuesday the fifth day of November, 1918, 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 such' amendment to said charter are and each of them is true.

That as to all of said amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, We have hereunto set our hands and caused the corporate seal of the city of Petaluma to be attached, the 23rd day of December, 1918.

H. S. GOSSAGE,
Mayor.

LYMAN GREEN,
City clerk of the city of Petaluma.

[SEAL]

And

WHEREAS, The said proposed amendment to the charter of the city of Petaluma so ratified is 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; now, therefore, be it

Approval by
legislature.

Resolved by the senate, the assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendment to the said charter of the said city of Petaluma hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Petaluma be, and the same is hereby approved as a whole for, and as an amendment to said charter of said city of Petaluma.

CHAPTER 13.

Senate Joint Resolution No. 2—Relative to allotments to soldiers upon their discharge from the army of the United States.

[Filed with Secretary of State January 25, 1919.]

WHEREAS, The signing of the armistice in the great war has brought to a victorious end the glorious work of the American forces in that mighty conflict for the preservation of the liberty of the free peoples of the earth; and

Allotments
for
discharged
soldiers.

WHEREAS, The release into civil life of many thousands of American soldiers, sailors and marines is called for as rapidly as possible; and

WHEREAS, The return to their former vocations of millions of Americans who took up arms in the valiant service of their country is coupled with need for their protection against distress; and

WHEREAS, No adequate provision has been made by the federal government for these returning soldiers, sailors and marines, men who have willingly made tremendous sacrifices for their country; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby urges a speedy return to their homes of all American soldiers, sailors and marines across the sea and that the United States government pay to each soldier, sailor and marine when discharged, in addition to all pay due him, a sum equal to six months of his pay, to the end that he may be somewhat protected during his restoration to civil employment; and be it further

Resolved, That the legislature of the State of California urge upon the Honorable Newton D. Baker, secretary of war, and Josephus Daniels, secretary of the navy, the need of such provision, lest there shall be want and distress among the American soldiers, sailors and marines who are and will be thus mustered out of the military and naval service of the United States during the rehabilitation period; and be it further

Resolved, That such protection to the soldiers, sailors and marines of the United States is due in fairness and justice to those who have so loyally and splendidly served the nation; and be it further

Resolved, That the secretary of the senate be and he hereby is directed to forward forthwith copies of these resolutions to the Honorable Newton D. Baker, secretary of war, the Honorable Josephus Daniels, secretary of the navy, and to each of California's senators and representatives in congress.

CHAPTER 14.

Senate Joint Resolution No. 5—Relative to the retirement on annuities of men and women in the employment of the United States who are over the age of sixty-eight years.

[Filed with Secretary of State January 25, 1910.]

Retirement
on annuities
of employees
of United
States.

WHEREAS, Retirement on annuities has for many years been a vital issue with all organizations of federal civil service employees, for the reason that a large number of men and women over sixty-eight years of age have served the United States for a lifetime at such comparatively low wages that it has been impossible for them to accumulate a sum of money sufficient to enable them to voluntarily retire; and

WHEREAS, These men and women know that either demotion or dismissal awaits them if a retirement bill is not passed by the congress, as the efficiency of employees rapidly declines after the age of sixty-eight years; and

WHEREAS, The United States civil service commission, in its last annual report, strongly recommended a system of retirement, as follows:

“It is too costly to continue the aged and infirm in positions requiring alertness and vigor, and a retirement system is possible which would be alike in the interest of the government and the worker.

“While inefficiency is a just cause for removal, appointing officers naturally hesitate to dismiss old employees who have become incapacitated after rendering long and efficient service, and a virtual pension system thus exists.

“A retirement system would give stability to the service, create an inducement for capable men to continue in it, contribute to improve administrative methods, and make possible a standardization of salaries and other needed reforms”; and

WHEREAS, There is now before the congress a bill known as the McKellar-Keating bill, which has for its object the retirement on annuities of all superannuated and disabled civil service employees of the United States, at a cost to be borne equally by the government and the employees; and

WHEREAS, The McKellar-Keating bill, which is known in the senate as S. 4637 and in the house of representatives as H. R. 12352, has received the unanimous indorsement of all organizations of federal civil employees as being the most comprehensive and satisfactory retirement bill that has been submitted to the congress for its consideration; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California declares itself to be in full

sympathy and accord with the McKellar-Keating bill, known in the senate as S. 4637 and in the house of representatives as H. R. 12352; and be it further

Resolved, That our senators and representatives in congress be and they are hereby requested to use all honorable means to secure the passage of said act; and be it further

Resolved, That the secretary of the senate be and he hereby is directed to forward copies of this resolution to the president of the senate of the United States, the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 15.

Senate Joint Resolution No. 8—Relating to war loans made to allied governments by the United States.

[Filed with Secretary of State January 25, 1919.]

WHEREAS, There has been introduced into the congress of the United States a resolution reciting that it is the sense of that body that the loans made to the allied governments during the recent war be canceled without payment of either principal or interest; and

Cancellation
of war loans
to allied
governments.

WHEREAS, The people of the United States are being heavily taxed because of the burdens imposed growing out of such loans; and

WHEREAS, There has flown into the countries of the allied nations in Europe which have been devastated by war a constant stream of money contributed by the generous people of America, and an immense amount has likewise been spent abroad by the government of the United States for supplies of all kinds and by the men of the American expeditionary forces for miscellaneous merchandisc, to the very great financial benefit of European peoples; and

WHEREAS, It is our judgment that the cost of rehabilitation and reconstruction of countries physically devastated by the war should be borne by the governments which brought about these distressing conditions, and that such reconstruction and rehabilitation cost is not beyond the ability of such enemy nations to pay; therefore be it

Resolved by the senate and assembly of the State of California, jointly, That it is the sense of this legislature that the cancellation of national war loans would be unpatriotic and unnecessary; and that our representatives in congress are hereby memorialized to that effect.

CHAPTER 16.

Senate Joint Resolution No. 16—Relative to the restoration of certain officers, soldiers, sailors and marines to the pension roll of the United States.

[Filed with Secretary of State January 25, 1919.]

Restoration
of men in
United
States service
to pension
roll.

WHEREAS, A number of officers, soldiers, sailors and marines, who have heretofore been honorably discharged from the army, navy and marine corps of the United States of America, and who were placed upon the pension roll of the United States by reason of injuries or sickness incurred in the line of duty; and

WHEREAS, In order again to enter the service of our country in the war against Germany in the cause of liberty and democracy voluntarily relinquished their rights to said pensions; and

WHEREAS, Such officers, soldiers, sailors and marines have been or are being discharged from the military service of the government and should be restored to the pension roll under their former status; now, therefore, be it

Resolved by the senate and assembly, jointly, That our senators and representatives in congress be requested to introduce and secure the passage of appropriate legislation to carry into effect the principles above set forth; and be it further

Resolved, That the secretary of the senate be and he is hereby instructed to mail a copy of this resolution to each senator and representative in congress from this state.

CHAPTER 17.

Assembly Joint Resolution No. 6—Relative to the acquisition by the United States of that peninsula or country known as "Lower California"; the Coronado Islands; and those portions of the republic of Mexico contiguous to the Colorado river.

[Filed with Secretary of State January 25, 1919.]

Purchase
of Lower
California.

WHEREAS, It is desirable to maintain cordial and fair relations with the republic of Mexico; and

WHEREAS, It is desirable for the proper development of California that the United States acquire by amicable arrangements the peninsula or country known as "Lower California," the Coronado Islands, and such portions of the republic of Mexico contiguous to the Colorado river as will guarantee full control of said stream to the United States, that it may become an all-American waterway; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California hereby memorializes

congress to urge upon the President of the United States that negotiations be initiated looking toward the purchase of said territory by the United States from the republic of Mexico at a fair and equitable price; and be it further

Resolved, That our senators and representatives in congress be and they are hereby requested to use all honorable means to secure such action on the part of the government of the United States; and be it further

Resolved, That the chief clerk of the assembly be and he hereby is directed to forward copies of these resolutions to the president of the senate of the United States, to the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 18.

Assembly Joint Resolution No. 10—Relative to the constructing and fitting out of all ships and vessels used by emergency fleet corporation or coming under their control.

[Filed with Secretary of State January 25, 1919.]

WHEREAS, During our recent war there have been constructed within the United States, many shipyards which taken altogether have a capacity sufficient to construct all the ships required by the federal government in the operation of the American merchant marine; and

Construction
of ships in
United
States
shipyards.

WHEREAS, We are now confronted with the problem of caring for our returned soldiers, there appearing to be more men than jobs; and

WHEREAS, In face of this fact the emergency fleet corporation is reported to have let contracts to the shipyards located in foreign countries in an amount exceeding thirty million dollars; therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California memorializes the congress of the United States that they take such steps as may be necessary to prevent final consummation of this deal, and to cancel any contracts that have been entered into if the same can be done consistent with the honor and integrity of the United States. And that they enact such laws as will prevent a repetition of such, and that they further provide for all American ships to be constructed in shipyards in the United States.

Resolved, That the senators and representatives in congress from the State of California be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States and each of the senators and representatives in congress from the State of California, including those who shall assume office on March 4, 1919.

CHAPTER 19.

Assembly Concurrent Resolution No. 12—Relative to the investigation of the conditions of employment existing or likely to exist during the reconstruction period, and to propose a remedy therefor.

[Filed with Secretary of State January 25, 1919.]

Committee
for invest-
igation of
unemploy-
ment.

WHEREAS, There now exists a condition of unemployment which is serious and threatens to become more serious, which condition is caused almost entirely by the change of our industrial and economic life from a war to a peace basis; and

WHEREAS, It appears that many of our young men who abandoned their occupations and relinquished their business in order to serve their country are now returning to find their occupation gone and their business dissipated, and that they are without money; and

WHEREAS, There is a permanent condition of seasonal employment in California—and that this condition will be aggravated by the reconstruction adjustment from a war basis to a peace basis; now therefore, be it

Resolved by the assembly, the senate concurring, That the speaker of the assembly shall appoint four members, and the president of the senate shall appoint four members; said committee to serve without compensation, but to have all necessary expenses paid, and who shall act as a committee of the legislature to investigate the matters contained in this resolution, and any others appertaining thereunto and who shall furnish recommendations to the legislature upon reconvening after the constitutional recess as to some appropriate legislative action to be taken which may relieve the conditions set forth in this resolution; and be it further

Resolved, That the committee shall have power to employ a secretary and such other assistants as it may deem necessary, and to secure necessary data from the state labor commissioner, immigration and housing commission, board of control, United States labor department, and other state or federal offices, departments, or bureaus at a cost not exceeding the sum of two thousand dollars, such cost to be paid equally by the senate and the assembly, respectively, out of their respective contingent funds.

CHAPTER 20.

Assembly Concurrent Resolution No. 13—Relative to approving two amendments to the charter of the city of Vallejo, county of Solano, State of California, voted for and ratified by the qualified electors of the said city of Vallejo at a special

municipal election held therein for that purpose on the fifth day of November, 1918.

[Filed with Secretary of State January 25, 1919.]

WHEREAS, The city of Vallejo, in the county of Solano, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1911 and is now, organized and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the twenty-first day of February, 1911, and approved by the legislature of said State of California on the eleventh day of March, 1911 (Statutes of 1911, pages 1958 to 2031, inclusive); and

Vallejo
city charter
amendments.

WHEREAS, The city council of said city of Vallejo, did, by resolution adopted by said city council on the twentieth day of September, 1918, and approved by the mayor of said city on the twentieth day of September, 1918, and pursuant to said section eight, of article eleven, of said constitution of the State of California, duly propose to the qualified electors of said city of Vallejo, seven 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 fifth day of November, 1918; and

WHEREAS, There being no official newspaper in said city of Vallejo, said seven proposed amendments were and each of them was, published for one day in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Vallejo Evening News," said publication ending on the twenty-first day of September, 1918; and that copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Vallejo Evening News"; that such copies could be had upon application therefore at the office of the city clerk of the city of Vallejo.

That such copies could be had upon application therefore at the office of said city clerk until the date fixed for the election hereinafter described; and

WHEREAS, Thereafter the city council of said city, did, by ordinance which was duly adopted on the twenty-ninth day of October, 1918, and approved by the mayor on the twenty-ninth day of October, 1918, order the holding of a special municipal election in said city of Vallejo on the fifth day of November, 1918, which last named date was at least forty and not more than sixty days after the publication of said proposed amendments, which had been published once as aforesaid, and did provide in said ordinance for the submission of said seven proposed amendments to the said charter to the

Vallejo
city charter
amendments.

qualified electors of said city for their ratification at said special municipal election, which said ordinance was published as required by law and the charter of said city, prior to the time appointed for the holding of such election in "The Vallejo Evening News," 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 two of said seven proposed amendments, to wit: numbers two and six, thereof, but did not ratify numbers one, three, four, five and seven of said proposed amendments; and

WHEREAS, The city council of said city at a regular meeting thereof, held within four days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said two of said proposed amendments, and rejected said numbers one, three, four, five and seven; and

WHEREAS, The Mayor and city clerk of said city did, on the seventh day of November, 1918, duly certify to the submission to the qualified electors of said city of said seven proposed amendments to said charter and the ratification of said two of such amendments, and did further certify to a copy of said two proposed amendments authenticated by the seal of said city of Vallejo which said certificate is in the words and figures following, to-wit:

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } SS.
CITY OF VALLEJO, }

We, the undersigned, Jas. Roney, Mayor of the city of Vallejo, State of California, and Alf. E. Edgcombe, city clerk of said city, do hereby certify and declare as follows:

That the city of Vallejo, in the county of Solano, State of California, contains a population of over ten thousand inhabitants, and has ever since the year 1911, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 21st day of February, 1911, and approved by the legislature of the State aforesaid, on the 11th day of March, 1911.

That the city council of said city of Vallejo did by resolution adopted by said city council on the 20th day of September, 1918, and approved by the mayor of said city on the 20th day of September, 1918, pursuant to Section 8, of article XI, of the Constitution of said State of California, duly propose to the qualified electors of said city seven certain amendments of the charter of such city to be submitted to said qualified electors at a special municipal election to be held in said city

on the 5th day of November, 1918, and that two of said amendments ratified as hereinafter set forth were and are in words and figures following, to wit:

CHARTER AMENDMENT NUMBER TWO.

That subdivision (2) of section 19 of Article V; of the charter of the city of Vallejo, relating to salaries, be amended so as to read as follows:

(2) The Auditor and ex-officio Assessor shall receive an annual salary of \$1,800 payable in equal semi-monthly installments. Salary of Auditor.

CHARTER AMENDMENT NUMBER SIX.

That subdivision (4) of section 120 of Article XVI of the charter of the city of Vallejo, relating to salaries, be amended so as to read as follows:

(4) Patrolmen shall receive an annual salary of \$1,500 payable in equal semi-monthly installments. Salaries of patrolmen.

That said two proposed amendments were, and each of them was, published for (1) time in a daily newspaper printed and published in said city and of general circulation therein, to-wit, "The Vallejo Evening News", and that said publication ended on the 21st day of September, 1918:

That thereafter, the city council of said city did, by ordinance No. 291, N.S., which was duly adopted on the 29th day of October, 1918, and approved by the mayor on the 29th day of October, 1918, order the holding of a special municipal election in said city of Vallejo, on the 5th day of November, 1918, which last named date was at least 40 and not more than 60 days after the publication of said proposed amendments which had been published (1) times as aforesaid, and did provide in said ordinance for the submission of said two proposed amendments, to the city charter to the qualified electors of said city for their ratification at said special 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 seven proposed amendments to the charter of said city of Vallejo, except the proposed amendments number one, three, four, five and seven which said proposed amendments numbers one, three, four, five and seven did not receive a majority of the votes of the qualified electors voting thereon at said election;

That the city council of said city of Vallejo, at a regular meeting, and within four days after said election, and within the time and in the manner required by law, and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such

qualified electors voting thereon had voted for and ratified each and all of said two proposed amendments to said charter;

Certificate.

We do further certify and declare that the copy of said proposed amendments to the charter of the city of Vallejo hereinbefore set forth is a full, true and correct copy of said two certain proposed amendments to the charter of the city of Vallejo, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at a special municipal election duly called and held in said city on the 5th day of November, 1918.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Vallejo, this 31st day of December, 1918.

James Roney,

Mayor of the City of Vallejo.

[SEAL.] Attest: Alf E. Edgecombe,

City Clerk of the City of Vallejo.

AND, WHEREAS. The said two amendments so ratified as hereinbefore set forth have been duly presented and submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with section eight, of article eleven, of the constitution of the State of California; now, therefore, be it

Approval by legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein. That the said amendments to the said charter of the said city of Vallejo hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Vallejo be, and the same is hereby approved as a whole for and as an amendment to said charter of said city of Vallejo.

CHAPTER 21.

Assembly Joint Resolution No. 14—Relative to the plan recommended by the Honorable Franklin K. Lane, secretary of the interior, for the placing of returning United States soldiers upon farms.

[Filed with Secretary of State January 25, 1919.]

Lane plan for soldiers' settlements.

WHEREAS, It has been recommended by the Honorable Franklin K. Lane, secretary of the interior, that congress immediately appropriate the sum of one hundred million dollars for placing the returning soldiers of the United States upon farms, thereby inaugurating a plan whereby at least one hundred thousand men will be immediately employed in the

creation of at least twenty-five thousand farms within the territory of the United States; and

Land plan
for soldier's
settlements.

WHEREAS, The plan as outlined by the honorable secretary of the interior proposes the reclamation of approximately two hundred fifteen million acres of arid and swamp land within the United States at present unfit for cultivation because of the lack of water in the one case and drainage in the other; and

WHEREAS, The plan suggested is not a "charity scheme," and under appropriate management will be self funding, and will offer alluring opportunities to settlers as compared with the old land settlement systems, inasmuch as forty years time is to be given the settlers within which to reimburse the United States for the money and credit loaned to them; now, therefore, be it

Resolved by the senate and assembly, jointly, That the plan as outlined by secretary of the interior Lane meets with its heartiest and utmost approval, and that this legislature urges upon the congress of the United States the early enactment into law of the plan proposed and the appropriation of the money needed to carry out the provisions thereof; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby directed to forward copies of these resolutions to the Honorable Franklin K. Lane, secretary of the interior, to the president of the senate of the United States, speaker of the house of representatives and each of California's senators and representatives in congress.

CHAPTER 22.

Assembly Concurrent Resolution No. 10—Relative to investigation by the legislature of the price of certain food commodities.

[Filed with Secretary of State March 20, 1919.]

WHEREAS, The price of bread, milk and eggs was greatly increased owing to conditions incident to the war in which the United States has been engaged; and

Committee
for investi-
gation of
food prices.

WHEREAS, The prices of the necessities of life are a matter of great and vital interest to all of the people in the State of California; and

WHEREAS, Notwithstanding that announcements have been made from time to time that inasmuch as the conditions which justified the prices that have been exacted from the people for these great necessities now no longer exist, and that a reduction in price might reasonably be expected, no such reduction has occurred; therefore be it

Resolved by the assembly and senate concurring, That the speaker of the assembly shall appoint three members, and the

Committee
for
investigation
of food
prices.

president of the senate shall appoint three members, who shall act as a committee of the legislature to investigate the reasons for the continuation of the excessive price exacted of the consumer for bread, milk, eggs and similar food products, and also to investigate the relative cost of the commodities that enter into the production, manufacture, sale and disposition of bread, milk, eggs and like products, and all matters relating thereto, and to report their findings in full to the present session of the legislature not later than twenty-five days after the passage of this resolution; and be it further

Resolved, That the committee shall have power to issue subpoenas, compel the attendance of witnesses, the production of books, papers, and records, to administer oaths, take testimony and institute proceedings for contempt; to call upon and require from any officer or department of this state any information in their possession and to employ such assistants as it may deem necessary, and that the expenses incurred in such investigation not exceeding the sum of one thousand two hundred fifty dollars shall be paid equally by the assembly and senate out of their contingent funds.

CHAPTER 23.

Assembly Concurrent Resolution No. 19—Relative to approving an amendment to the charter of the city of Watsonville, county of Santa Cruz, State of California, voted for and ratified by the qualified electors of the said city of Watsonville at a special municipal election held therein for that purpose on the twenty-fifth day of February, 1919.

[Filed with Secretary of State March 20, 1919.]

Watsonville
city charter
amendment.

WHEREAS, The city of Watsonville, of the county of Santa Cruz, State of California, has at all times mentioned herein been, and now is, a municipal corporation of the said State of California, containing a population of more than three thousand five hundred inhabitants, and is now, and has been, ever since the sixteenth day of February, 1903, organized, existing and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the thirtieth day of August, 1902, and approved by the legislature of the State of California on the sixteenth day of February, 1903; and

WHEREAS, The board of aldermen of the said city of Watsonville did, by resolution duly adopted by said board of aldermen on the seventh day of January, 1919, and approved by the mayor of the said city on the said seventh day of January, 1919, 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 a certain amendment to the charter of the said city of Watsonville to be submitted to the qualified electors of said city at a special municipal election to be held therein on the twenty-fifth day of February, 1919; and

Watsonville
city charter
amendment.

WHEREAS, Said proposed amendment was published in the "Evening Pajaronian," a newspaper of general circulation printed and published in the city of Watsonville, and having a general circulation therein, for the time and in the manner prescribed by section eight of article eleven of the constitution of the State of California, and copies of said proposed amendment to said charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendment as aforesaid until the date fixed for the election on said charter amendment, the board of aldermen of the said city of Watsonville caused to be published in said "Evening Pajaronian," said newspaper of general circulation printed and published in said city of Watsonville, a notice that copies of said proposed amendment to said charter could be had at the office of the city clerk of the city of Watsonville upon application therefor; and

WHEREAS, The said board of aldermen of said city did, by ordinance duly passed and adopted by said board of aldermen on the seventh day of January, 1919, and approved by the mayor of said city on the said seventh day of January, 1919, order the holding of a special municipal election in the said city of Watsonville on the twenty-fifth day of February, 1919, said day being at least forty days after the publication of said proposed amendment in said daily newspaper of general circulation in the city of Watsonville, to wit, the "Evening Pajaronian," and did provide in said ordinance for the submission of said proposed charter amendment to the qualified electors of said city for ratification or rejection at said election; and

WHEREAS, Said election was duly held on said twenty-fifth day of February, 1919, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to said charter; and

WHEREAS, The board of aldermen of the said city of Watsonville, in accordance with the law in such cases made and provided, and in accordance with and pursuant to said ordinance, calling said election, did meet on Wednesday, the twenty-sixth day of February, 1919, at their usual place of meeting, and duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted for and ratified said amendment to the charter of the said city of Watsonville; and

WHEREAS, The said amendment to the charter so ratified by the majority of the qualified electors of said city voting at said election is in the words and figures following, to wit:

Section one of article nine of the charter of the city of Watsonville is hereby amended to read as follows:

Rate of taxation.

“Section 1. The Board of Aldermen shall have full power and authority to assess, levy and collect taxes upon all taxable property in the City, provided that the total tax for any one year shall not exceed One Dollar and Thirty-five Cents (\$1.35) upon each One Hundred Dollars (\$100.00) of property assessed, unless a special tax in excess thereof be authorized by a two-thirds ($\frac{2}{3}$) majority of all votes cast at a special election called therefor and authorizing such special tax, and the proceeds of such special tax shall be used for no other purpose than for which the same was voted, provided, however, that in addition to said maximum rate hereinbefore provided for, there shall be included in every annual tax levied a sufficient amount to cover all liabilities of the City for principal and interest of all Municipal Bonds or judgments due and unpaid or to become due during the fiscal year for which said tax is levied and not otherwise provided for.”

STATE OF CALIFORNIA,
COUNTY OF SANTA CRUZ, } ss.
CITY OF WATSONVILLE.

Certificate.

THIS IS TO CERTIFY that we, W. A. TRAFTON, Mayor of the City of Watsonville, and M. M. SWISHER, City Clerk of the City of Watsonville, have compared the foregoing proposed and ratified amendment to the Charter of the City of Watsonville with the original resolution, ordinance and proclamation proposing such amendment and submitting the same to the qualified electors of said City of Watsonville at a special municipal election called for that purpose on Tuesday, February 25, 1919, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said charter and the matters set forth herein are and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Watsonville to be attached this 27th day of February, 1919.

[SEAL]

W. A. TRAFTON,
Mayor of the City of Watsonville.

M. M. SWISHER,
City Clerk of the City of Watsonville.

and

WHEREAS, The said amendment so ratified as hereinbefore set forth has been duly presented and submitted to the legislature of the State of California for approval or rejection, without the power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly, the senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendment to the said charter of the said city of Watsonville herein set forth, as presented and submitted to and adopted and ratified by the qualified electors of the said city of Watsonville, be, and the same is hereby, approved as a whole for and as an amendment to the said charter of the said city of Watsonville.

Approval by
legislature.

CHAPTER 24.

Senate Joint Resolution No. 7—Relative to petitioning the President of the United States to appoint immediately the commission provided for in the Newlands river regulation amendment.

[Filed with Secretary of State March 20, 1919.]

WHEREAS, The State of California is desirous of co-operating with the federal government for the regulation of the flow of the rivers of California and also for the conservation of water by storage in reservoirs, both above and below the surface of the ground, and by all other known means for the betterment of its navigable streams for providing water for domestic uses; and

Newlands
river
regulation
amendment.

WHEREAS, The Newlands river regulation amendment, section eighteen of the river and harbors bill, 1917, approved by the President August 8, 1917, provides "That a commission, to be known as the waterways commission, consisting of seven members to be appointed by the President of the United States is hereby created and authorized to bring into co-ordination and co-operation the engineering, scientific and constructive services, bureaus, boards and commissions of the several governmental departments of the United States, and commissions created by congress that relate to the study, development or control of waterways and water resources with respect to all water sheds in the United States; questions relating to the development, improvement, regulation and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, control of floods, storage and conservation of water for agricultural, industrial, municipal and domestic uses, etc.;" and

WHEREAS, Such commission has not yet been appointed by the President of the United States; now, therefore, be it

Resolved, That the State of California, in legislative session regularly assembled, does hereby respectfully and earnestly request the President of the United States to immediately appoint the commission provided for in the Newlands river regulation amendment to the end that comprehensive plans

may be prepared at the earliest possible moment to put into effect the beneficent purposes of the Newlands river regulation amendment above referred to.

CHAPTER 25.

Senate Joint Resolution No. 11—Relative to more strict examination of national banks by the federal government.

[Filed with Secretary of State March 20, 1919.]

Examination
of national
banks.

WHEREAS, Failures among national banks of the United States have been the cause of great suffering among innocent depositors and stockholders and in some cases have been brought about by the inadequate examination of national banks under the existing laws of the United States, as recently illustrated in the cities of Riverside and Santa Rosa, in the State of California; and

WHEREAS, It is apparent that more careful examination of national banks is required; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to provide for proper legislation for the more strict examination of national banks within the United States; and be it further

Resolved, That our senators and representatives in congress be and they hereby are requested to take such steps as may be necessary to institute such legislation; and be it further

Resolved, That the secretary of the senate be and he hereby is directed to forward copies of these resolutions to the honorable secretary of the treasury, the president of the senate of the United States, the speaker of the house of representatives, and each of California's senators and representatives in congress.

CHAPTER 26.

Senate Joint Resolution No. 20—Relative to the purchase by the grain corporation of the food administration of the United States of beans produced in California in preference to beans produced in the Orient.

[Filed with Secretary of State March 20, 1919.]

Preference
in purchase
of beans by
United
States
government.

WHEREAS, For the purpose of winning the war, the United States government strongly urged the planting of all land possible for the purpose of raising food, and impliedly promised the growers that, notwithstanding the increased cost of production owing to war conditions, a market would be found for their products; and

WHEREAS, In reliance upon these representations and promises large quantities of land in California were planted to beans and produced under adverse weather conditions and at a high labor cost; and

Preference in purchase of beans by United States government.

WHEREAS, The warehouses are now crowded with beans on storage and are not capable of holding all the beans produced; and

WHEREAS, The grain corporation of the food administration of the United States is about to purchase a large quantity of beans to relieve the starving peoples of Europe; and

WHEREAS, It is understood that large quantities of beans grown in the Orient, under cheap labor conditions, are finding a market in the United States and Europe, and it is also understood that large quantities of the same have been purchased by the United States government with money raised by taxation and bond subscriptions from the people of the Pacific coast and the United States, to the detriment and injury of the bean growers of California, who are unable to compete with the cheap labor of the Orient; and

WHEREAS, The time is now approaching when it will be necessary for the farmers to determine whether they shall again plant their lands to beans or other food products; and

WHEREAS, Their inability to dispose of the crop now already produced will tend to discourage further production; now, therefore, be it

Resolved by the senate and assembly, jointly. That the grain corporation of the food administration of the United States be respectfully and urgently requested to purchase beans in California and other points on the Pacific coast, until the supply thereof is exhausted, so that the congestion now existing in the bean market may be relieved and the promises expressly and impliedly made to the farmers of the Pacific coast be kept and performed; be it further

Resolved, That the secretary of the senate be, and he is hereby, directed to forward copies of this resolution to the president of the senate, speaker of the house of representatives, and to the grain corporation of the food administration of the United States, and to each of the California senators and representatives in congress.

CHAPTER 27.

Senate Joint Resolution No. 21—Relative to the extension of benefits of legislation relating to the reservation and distribution of government lands to include the Spanish-American war veterans.

[Filed with Secretary of State March 20, 1919.]

WHEREAS, Legislation is now under contemplation for the reservation and distribution of government land for settlement, acquisition or homesteading by military service men now returning to civil life; and

Government Land for Spanish-American war veterans.

Government land for Spanish-American war veterans.

WHEREAS, The veterans of the Spanish-American war are believed to be entitled to all the advantages sought to be granted to soldiers and sailors and marines; now, therefore, be it

Resolved by the senate and assembly, jointly, That our senators and representatives in congress assembled, be requested to include as beneficiaries, all honorably discharged soldiers and sailors and marines of the Spanish-American war, in any and all legislation enacted for reservation, reclamation, distribution or apportioning of government lands to, for or on behalf of honorably discharged service men of the United States army and navy; and be it further

Resolved, That the secretary of the senate be and he hereby is directed to forward copies of this resolution to the president of the senate of the United States, the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 28.

Assembly Concurrent Resolution No. 9—Approving an amendment to the charter of the county of San Bernardino, State of California.

[Filed with Secretary of State March 24, 1919.]

San Bernardino county charter amendment.

WHEREAS, A certain proposed amendment to the charter of the county of San Bernardino has been submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California, which charter amendment has been duly ratified by the qualified electors of the county of San Bernardino as hereinafter set forth:

STATE OF CALIFORNIA, }
County of San Bernardino } ss.

Certificate of County Clerk of the County of San Bernardino, State of California, and Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of a certain amendment to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the 5th day of November, 1918.

PREAMBLE.

Be it Known that:

WHEREAS, the County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting

under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.) and

San Bernardino county charter amendment.

WHEREAS, on the 23rd day of September, 1918, the Board of Supervisors of said San Bernardino County, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said county an amendment to the charter of said county by the submission of a proposal for such amendment to said electors at the general election to be held November 5th, 1918, and at the same time said Board duly ordered that said proposal be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposal should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposal, said proposed amendment was set forth in full and at length, and was and is in the words and figures hereinafter set forth; and,

WHEREAS, thereafter, said proposal was duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: September 25th, 26th, 27th, 28th, 29th, October 1st, 2nd, 3rd, 4th and 5th, 1918, and as often during said time as said newspaper was regularly published; and said general election at which said proposal was submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and,

WHEREAS, immediately subsequent to said publication, said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title, said proposal appeared on said ballots; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 5th, 1918, the County Clerk of said county duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposal would be submitted to the qualified electors of said county at said general election held November 5th, 1918, and said clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and delivered one copy of such notice to the inspector appointed for each precinct at said general election, and on said notice, said proposal appeared in the form and by the title so prescribed by said

San Bernar-
dino county
charter
amendment.

Supervisors and in the form and by the title said proposal appeared upon said ballot; and,

WHEREAS, at said general election, said proposal was duly submitted to the vote of the qualified electors of said county, and appeared on the general ballot at said election in the following form, to-wit:

“COUNTY CHARTER AMENDMENT.

CHARTER AMENDMENT NUMBER TWO OF SAN BERNARDINO COUNTY.

Proposal submitted by Board of Supervisors to amend charter of San Bernardino County, California, by an amendment to be known as “Charter Amendment Number Two,” providing for the following: (a) The repeal of Sections 4, 5 and 6 of Article I, and Section 3 of Article II of the charter as originally adopted, and also the repeal of the amendment thereto designated at “Section 4,” adopted at the general election held in 1914; (b) The addition of a new section to the charter to be known as Article 2½, containing 5 subdivisions, numbered 1, 2, 3, 4 and 5, relating to the appointment and fixing the number, compensation, powers, duties and qualifications of assistants, deputies, clerks, attaches and other persons employed in the various county offices; defining and making certain county offices elective and certain county offices appointive and providing for filling the same; and providing for the consolidating and segregating by the Board of Supervisors of the duties of county offices; (c) Amending Section 2 of Article II of the charter relating to the consolidation of certain offices; and (d) Amending Section 5 of Article II of the charter relating to the salaries of county offices.”

And opposite said proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words “YES” and “NO”, with voting squares thereafter and in addition thereto, said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and,

WHEREAS, the County Clerk of said San Bernardino County mailed a printed copy of said proposed Amendment enclosed in an envelope with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 5th day of November, 1918; and,

WHEREAS, the returns of said general election held in the County of San Bernardino on the said November 5th, 1918, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Board of Supervisors of said County of

San Bernardino, and it appeared therefrom and was so declared by the Board of Supervisors, that 3950 votes were cast in favor of said proposal and that 3734 votes were cast against said proposal and it appeared therefrom that a majority of the qualified electors of the County of San Bernardino voting thereon, at such general election, voted in favor of the said proposal and said proposed amendment, and said Board of Supervisors thereupon ordered and declared that said proposed amendment was ratified; and, San Bernardino county charter amendment.

WHEREAS, said amendment so ratified by the electors of the County of San Bernardino, at said general election held on November 5th, 1918, is now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, J. B. Glover, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and L. R. Patty, County Clerk and ex-Officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said Amendment to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the 5th day of November, 1918, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said Legislature be in the words and figures following, to-wit:

“CHARTER AMENDMENT NUMBER TWO.

That the charter of San Bernardino County be amended by this amendment to be known as ‘Charter Amendment Number Two’ and to be in force and effect from and after the time of its approval by the Legislature; *provided, however*, that it shall not affect the tenure of office of the incumbents holding the respective offices of sheriff, county clerk, treasurer and district attorney, as such, at the time it becomes effective, but such officers shall not, from and after the time said amendment becomes effective, perform the duties of any office that is, by the effect of the amendment, segregated from such respective offices, and any office in which shall exist a vacancy by reason of the segregation of the duties of such office from any office with which it was formerly consolidated, shall be immediately filled by appointment of the Board of Supervisors until a successor of such appointee shall have been elected or appointed in compliance with the provisions of General Law and said charter, as amended. Said amendment to read as follows:

That Sections 4, 5 and 6 of Article I and Section 3 of Article II of the charter as originally adopted, and also the amendment thereto designated as ‘section 4,’ adopted at the

San Bernar-
dino county
charter
amendment.

general election in 1914, and filed with the Secretary of State January 30th, 1915, be repealed, and that a new article be added to the charter to be known as Article 2½, containing five subdivisions, numbered 1, 2, 3, 4 and 5, to read as follows:

ARTICLE 2½.

Appointment
of assistants,
etc.

SEC. 1. Every county officer, immediately upon entering upon his term of office, and from time to time thereafter, whenever a vacancy shall exist, shall appoint all assistants, deputies, clerks, attaches and other persons employed or serving in his office, or under such officer, and may remove any such persons so appointed by him at any time for cause satisfactory to himself; *provided*, that the number, compensation, powers, duties and qualifications of such persons shall be prescribed and regulated by the Board of Supervisors; *provided further*, the appointment of any deputy must be made in writing and filed in the office of the county clerk, and until such appointment is so made and filed, and until such deputy shall have taken oath of office, no one shall be or act as such deputy. It shall be the duty of the Board of Supervisors, in any ordinance adopted under the provisions of Section 2 of Article 2½ of this charter, as amended, to provide for the appointment of such assistants, deputies, clerks, attaches and other persons employed, in the manner prescribed by this section. In the event the Board of Supervisors shall provide a board of civil service commissioners and shall prescribe civil service rules and regulations governing appointments pursuant to any of the provisions of this charter, nothing in this section contained shall be deemed to inhibit such civil service rules and regulations from providing for a different mode from that prescribed in this section for the appointment, removal, the body by whom such appointment or removal may be made, the prescribing and regulating of the powers, duties, qualifications and compensation, the times at which and terms for which appointments are made, of all such assistants, deputies, clerks, attaches and other persons employed.

Board of
Supervisors
to regulate
number.

SEC. 2. Subject to the provisions of this charter, it shall be the duty of the Board of Supervisors, by ordinance adopted from time to time to fix and regulate the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, from time to time, in the several offices of the county, and also, by ordinance, subject to the provisions of this charter, to prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which they shall be appointed, and the manner of their appointment and removal.

Elective
county
offices.

SEC. 3. All county offices in this county, now or hereafter existing, other than the office of supervisor, that would under the general laws of this state be filled by election, if no county

charter had been adopted, are hereby declared to be and are made elective county offices, and the incumbents thereof are declared to be and are made elective county officers, and all such elective county officers shall be elected at the general election at which the governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election and shall hold office until their successors are elected or appointed and qualified, and all such elective county officers shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

SEC. 4. All county offices in this county that would under the general laws be filled by appointment if no county charter had been adopted, and all county offices hereafter created or existing in this county under or pursuant to general law, in which such general law a method of filling such offices by appointment is provided, are hereby declared to be and are made appointive county offices, and the incumbents thereof are declared to be and are made appointive county officers; and all such appointive county offices shall be respectively filled in the same manner, and by the same appointing body or person as is provided in such general laws, and such appointive county officers shall be appointed and hold office for the same time and upon the same conditions as to tenure of office and subject to the same right of removal as though such appointment had been made under such general laws; provided nothing in this section contained shall be deemed to relate to the appointment of assistants, deputies, attaches and other persons to be employed in such appointive offices.

Appointive
county
offices.

SEC. 5. The Board of Supervisors may, by ordinance, from time to time, consolidate the duties of any two or more county officers, and likewise, by ordinance, may separate the duties of any officers now or hereafter consolidated. In the event of the consolidation of the duties of an office herein declared to be elective with the duties of an office by this charter made appointive, such consolidated office shall be filled in the same manner in which the elective office is filled. The incumbent of any office hereafter consolidated shall receive only the salary of that one of such consolidated offices as may be designated by the Board of Supervisors, in the ordinance by which such consolidation is effected.

Consolidation or
separation
of offices.

That section 2 of Article II of the Charter be amended to read as follows:

SEC. 2. The duties of the following county offices are hereby consolidated, to-wit:

Tax collector
and license
collector
consolidated.

(a). Tax collector and license collector; and the tax collector shall be ex-officio license collector.

(b). Public administrator and coroner; and the public administrator shall be ex-officio coroner.

Public
administrator
and coroner
consolidated.

That section 5 of Article II of the charter be amended to read as follows:

Salaries of county officers.

Sec. 5. The annual salaries of each of the following county officers shall be as follows:

Sheriff -----	\$2400.00
County Clerk -----	2500.00
Recorder -----	2400.00
Treasurer -----	2400.00
Tax Collector and ex-officio license collector..	2400.00
District Attorney -----	2700.00
Public Administrator and ex-officio coroner..	1800.00
Auditor -----	2400.00
Assessor -----	2400.00
Superintendent of Schools.....	2400.00
Horticultural Commissioner -----	2400.00

The compensation of all county officers not herein specifically fixed, including the compensation of such fish and game wardens, probation and other officers as are or may be provided by general law or by this charter shall be fixed by the Board of Supervisors by ordinance." and

Certificate.

And we further certify hereby that the facts set forth in the preamble of this certificate preceding said amendment to said charter are and each of them is true.

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to approve said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 23rd day of December, 1918.

[SEAL]

J. B. GLOVER,

Chairman of the Board of Supervisors of San Bernardino County, State of California.

ATTEST: L. R. PATTY,

County Clerk and Ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California.

Now, therefore, be it

Approval by legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein, That said amendment to the charter of the county of San Bernardino as proposed to and adopted and ratified by the electors of said county of San Bernardino, and as hereinbefore fully set forth, be and the same is hereby

approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of the county of San Bernardino.

CHAPTER 29.

Senate Joint Resolution No. 18—Relative to the consideration by the council of nations at the world peace conference of the self determination of Ireland.

[Filed with Secretary of State March 31, 1919.]

Resolved, by the senate and assembly of the State of California, jointly, That at a critical time in the history of the human race, when the idealism of America dominates world thought, we respectfully represent to our spokesman, the President of the United States, that in speaking for the self-determination of all nations, small as well as great, he should not overlook the claims of the oldest nation of western Europe, to wit, Ireland. Self-determination of Ireland.

CHAPTER 30.

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to section two of article eighteen of the constitution of the State of California, relating to a convention for framing a new constitution of the State of California.

[Filed with Secretary of State March 31, 1919.]

The legislature of the State of California, at its regular session commencing on the sixth day of January, A. D. 1919, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section two of article eighteen of the constitution of the State of California be amended to read as follows: Proposal for constitutional convention.

Sec. 2. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to adopt a new constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the legislature shall, at its next session, provide by law for calling the same. In so providing for calling such convention, the legislature shall make provision for the election of one hundred sixty-three delegates thereto (one of whom shall be chosen from each assembly district, one from each county, and twenty-five from the state at large), and Election on question.
Delegates.

Delegates.

each of whom shall, except as herein provided, have the same qualifications as members of the legislature.

All persons who are elected as delegates to such convention shall be deemed to hold an office filled by election by the people, within the meaning of section nineteen of article four of this constitution. No declaration of affiliation with any political party, or other test or qualification of partisanship of any kind shall be required of any candidate for election as a delegate to such convention, and the legislature shall incorporate in its plans for calling such convention suitable provisions for the nomination and election of nonpartisan delegates thereto.

Submission
of
constitution.

The delegates elected to such convention shall meet within nine months after their election, at such place as the legislature may direct. At a special election to be provided for by law such proposed new constitution shall be submitted to the people for their ratification or rejection; and it shall be competent for the convention to submit alternative proposals and to determine the form and matter of such submission.

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 new 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.

Intent of
amendment.

The people, in voting for or against the adoption of this amendment, shall be deemed to have determined by such vote whether or not a majority of the electors are in favor of calling such convention, and, in the event of its adoption, the legislature shall proceed, at its forty-fourth session, to enact all necessary measures for calling and holding such convention, as herein provided.

CHAPTER 31.

Senate Joint Resolution No. 28—Relative to requesting the congress of the United States to investigate the proposed action of the United States railroad administration to subdivide into zones the present switching limits of the railroads reaching and serving the cities of San Francisco, Oakland, and Los Angeles, and thereby increasing the charges for switching within those cities, without first submitting the matter for hearing to the railroad commission of California or the interstate commerce commission, in pursuance of section twenty of article twelve of the constitution, and section sixty-three of the public utilities act

of California, and section fifteen of the act to regulate commerce.

[Filed with Secretary of State March 31, 1919.]

WHEREAS, The United States railroad administration has initiated and is now considering a proposition to subdivide into zones the present switching limits in San Francisco, Oakland, and Los Angeles, of the railroads now serving those cities, and to graduate the charges for switching within said switching limits and thereby bring about certain increases in charges to shippers; and

Subdivision
of switching
limits.

WHEREAS, The said proposition has not been submitted for approval and authorization either to the interstate commerce commission, as required by section fifteen of the act to regulate commerce, as amended August 9, 1917, providing that no increased rate, fare, charge or classification shall be filed with the interstate commerce commission except after approval thereof has been secured from such commission, or to the railroad commission of the State of California, as required by section twenty, article twelve of the constitution of the State of California, and section sixty-three of the public utilities act of California, which provide that no railroad shall raise any rate, fare or toll or so alter any classification, practice, rule or regulation as to result in an increase in any rate, fare or charge, under any circumstances whatsoever, except upon a showing before the railroad commission of the State of California and a finding by said commission that such increase is justified; and

WHEREAS, The city and county of San Francisco, by its duly elected and qualified legislative and governmental bodies, has heretofore protested to the United States railroad administration against this proposed action on the grounds specifically set forth in the following resolution:

RESOLUTION No. 16518. (New Series.)

Whereas, There has been submitted to the United States railroad administration a proposition to subdivide the present San Francisco switching limits into zones and to grade switching charges within and between said zones; and

Protest of
San
Francisco.

Whereas, This proposed adjustment if made effective will change the custom which has long obtained in San Francisco of charging a uniform switching charge throughout the San Francisco switching limits and will tend materially to increase the present intraterminal charges for switching within the San Francisco switching limits; and

Whereas, This proposed adjustment if made effective will destroy the parity on which industries in San Francisco switching limits have been built up and would engender discrimination between various industries in San Francisco and induce the location of new industries in the limited area which is

Protest of
San
Francisco.

given the most favorable switching charges and thereby tend to congest industrial development in such locality and greatly to restrict and limit the wider development of industrial San Francisco and thereby cause it irreparable injury; and

Whereas, The proposed action will tend to nullify the recent tentative decision of the interstate commerce commission whereby all industries in the San Francisco industrial district are placed on a parity with those in Oakland and Los Angeles; now, therefore, be it

Resolved, That the city and county of San Francisco does hereby protest against the proposed readjustment of switching charges in San Francisco in the manner hereinbefore referred to; and be it further

Resolved, That the city attorney be and he is hereby authorized to appear before the United States railroad administration in opposition to the proposed readjustment of switching charges within the San Francisco switching limits and to take such other action as may be necessary, before any tribunal having jurisdiction of the matter, to prevent the proposed changes being made effective; and be it further

Resolved, That the city attorney of the city and county of San Francisco be and he is hereby authorized to co-operate to the fullest extent with the city of South San Francisco, the chamber of commerce of South San Francisco, manufacturers association of South San Francisco and the civic and industrial organizations of the city and county of San Francisco for the purpose of preventing the proposed changes being made effective.

Adopted—Board of Supervisors, San Francisco, February 18, 1919.

AVES: Supervisors Brandon, Gallagher, Hayden, Hilmer, Hynes, Kortick, Lahaney, McLeran, Nelson, Power, Welch, Wolfe.

ABSENT: Supervisors Deasy, Hocks, McSheehy, Mulvihill, Schmitz, Suhr.

J. S. DUNNIGAN, Clerk.

Approved, San Francisco, February 19, 1919.

JAMES ROLPH, JR., Mayor; and

WHEREAS, The city of Oakland has in like manner protested by the adoption of the following resolution:

OAKLAND CITY COUNCIL.

Resolution No. 17794 N. S.

Introduced by Commissioner Jackson.

Protest of
Oakland.

RESOLUTION DIRECTING THE CITY ATTORNEY TO ENTER FORMAL PROTEST AGAINST PROPOSED INCREASE OF SWITCHING RATES BY THE DIVISION OF TRAFFIC—WESTERN TERRITORY—UNITED STATES RAILROAD ADMINISTRATION, AND TO TAKE SUCH LEGAL ACTION IN CONNECTION THEREWITH AS

MAY BE NECESSARY OR PROPER TO RESIST SUCH PROPOSED INCREASE OF SWITCHING RATES.

Whereas, The Division of Traffic—Western Territory—of the United States Railroad Administration has proposed to increase the switching charges for intra-terminal and inter-terminal movement of freight within the City of Oakland; now therefore, be it

Resolved, That the city attorney be and he is hereby instructed on behalf of the city of Oakland, to enter formal protest against such proposed increase of switching rates and to take such legal action in connection therewith as may be necessary or proper to resist such proposed increase of switching charges.

I certify that the foregoing is a full, true and correct copy of a resolution passed by the city council of the city of Oakland, California, on February 10, 1919.

L. W. CUMMINGS,
City Clerk.

Per (signed) W. W. CHAPPELL, Deputy, and

WHEREAS, The city of Los Angeles has likewise adopted the following resolution:

RESOLUTION ADOPTED BY THE CITY COUNCIL OF LOS ANGELES ON MARCH 6, 1919.

“Whereas, There has been submitted to the Railroad Administration the proposition to divide the present switching limits in the cities of Seattle, Oakland, San Francisco and Los Angeles into zones, and grading the switching charges within and between said zones; and

Whereas, The proposed adjustment will change the practice long in use in Los Angeles, and will tend to increase materially the present inter-terminal charges for switching within the Los Angeles switching limits, and will limit and hamper the growth of industrial districts; and

Whereas, There is to be a hearing on said matter before the district freight traffic committee of the U. S. Railroad Administration in San Francisco of Friday, March 7, 1919; now therefore, be it

Resolved, That the city council of the city of Los Angeles do hereby protest against the proposed change, and the clerk of council be instructed to wire copy of this resolution to W. G. Barnwell, chairman of said committee.”

Which resolution, being seconded by Mr. Conrad, was adopted by the following vote:

AYES: Cleveland, Conaway, Conrad, Criswell, Mallard, Olsen, Reeves, True, and President Farmer.

NOES: None; and

WHEREAS, The proponents of the proposed action have offered no justification for the proposed readjustment or for

Protest of
Los Angeles.

the determination of the boundaries of the proposed zones, as fixed, other than a statement that the same is necessary; and

WHEREAS, The proposed adjustment, if made effective, will violate a provision of the following agreement entered into between the city of Oakland and the Southern Pacific Company, known as ordinance No. 3197 of the city of Oakland, approved November 23, 1910, and still in effect, providing for uniform switching charges within the city of Oakland, and which was a consideration for the granting to the Southern Pacific Company of certain valuable waterfront franchises within the said city of Oakland:

COPY OF SECTION SEVEN OF ORDINANCE NO. 3197, PASSED BY THE CITY COUNCIL OF THE MUNICIPALITY OF OAKLAND, NOVEMBER 7, 1910, AND APPROVED BY THE MAYOR THEREOF ON NOVEMBER 23, 1910.

Agreement
between
Southern
Pacific Co.
and Oakland.

Such Ordinance being described as follows:

Granting to the Southern Pacific Company, its successors and assigns, the right and franchise, for the term of fifty years, to the exclusive use, occupation and enjoyment of a certain portion of the water front of the city of Oakland, for the purpose of constructing, maintaining, operating, and using thereon railroads for the transportation of freight and passengers, and for terminals of such railroads, and slips, wharves, docks and piers thereon, and for other purposes, together with the right to use as a fairway for the passage of its vessels thereon in common with other vessels, certain water lying westerly, southwesterly and southerly from said portion of said water front.

Also granting to said company, its successors and assigns, the right and franchise to use for like purposes for the term of eight years that portion of long wharf lying westerly of the premises first above mentioned.

Section 7. The rights, privileges and franchises hereby granted are granted upon the conditions that grantee, its successors and assigns, will at all times during the life of this franchise, upon demand of any person, firm or corporation operating any industry or engaged in business in the city of Oakland, including the city of Oakland, receive from and deliver to any railway having a terminus in the city of Oakland, and with which said grantee, its successors or assigns, shall have track connections either in the city of Oakland, or outside the city of Oakland, freight cars to be placed upon tracks laid upon the premises hereinabove described for the purpose of transferring freight from ships or cars, or from cars to ships; such cars to be so placed to be used for the receipt and delivery of freight in carloads only, and the said grantee, its successors and assigns, shall be permitted to collect a reasonable and just charge for the switching and transporting of said cars without discrimination; *provided, further*, that all freight rates on the lines of the grantee, its successors

and assigns, to or from points outside the city of Oakland, to or from any point in the city of Oakland shall in no case discriminate against the city of Oakland in favor of San Francisco under substantially similar conditions; *and provided, further,* that no point in the city of Oakland shall have any better rate than any other point in said city except that proper and reasonable switching charges may be collected; now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the congress of the United States be and is hereby requested to investigate the proposed attempt of the United States railroad administration to increase the charges for switching within the said cities of San Francisco, Los Angeles, and Oakland, and thereby disturb a rate uniformity between industries within said cities that has obtained for many years, without first submitting said proposition to the lawfully constituted regulatory body having jurisdiction thereof, for approval and authorization; and be it further

Resolved, That copies of this resolution be forthwith transmitted by the secretary of the senate to the president of the senate and to the speaker of the house of representatives of the United States, and to each of the senators and representatives in congress from the State of California.

Investigation
by Congress
requested.

CHAPTER 32.

Assembly Concurrent Resolution No. 20—Approving the charter of the city of Marysville, State of California, voted for and ratified by the qualified voters of said city of Marysville at a special municipal election held therein for that purpose on the twenty-fifth day of February, 1919.

[Filed with Secretary of State April 5, 1919.]

WHEREAS, The city of Marysville, a municipal corporation of the county of Yuba, State of California, now is, and at all times herein referred to was, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and

Marysville
city charter.

WHEREAS, At a special election held in said city on the third day of September, 1918, under and in accordance with the law and the provisions of section eight of article eleven of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within one hundred and twenty days after the result of said election was declared,

Marysville
city charter.

prepare and propose a charter for the government of said city of Marysville; and

WHEREAS, Said charter was on the sixteenth day of December, 1918, signed by the full number of said board of freeholders and was thereupon duly returned and filed in the office of the clerk of the legislative body of said city, to wit, clerk of the mayor and common council of said city of Marysville; and

WHEREAS, Said proposed charter was thereafter published once, namely, on the seventeenth day of December, 1918, in the Marysville Evening Democrat, the same being the official paper of said city, and being a newspaper of general circulation printed, published and circulated daily in said city; and

WHEREAS, Said legislative body of said city did also cause copies of such charter to be printed in convenient pamphlet form and did from the said seventeenth day of December, 1918, until the date of the special municipal election on the twenty-fifth day of February, 1919, advertise in said Marysville Evening Democrat a notice that such copies of such charter might be had upon application therefor to the city clerk of said city; and

WHEREAS, Said proposed charter was, not less than sixty days from the completion of the publication of such charter, to wit, on the twenty-fifth day of February, 1919, the date fixed by said board of freeholders, duly and regularly submitted to the qualified electors of said city at a special election duly called and held therein; and

WHEREAS, At said last-mentioned special election held as aforesaid on the twenty-fifth day of February, 1919, a majority of the qualified voters of said city of Marysville voting thereon at such special election voted in favor of such proposed charter and duly ratified the same as a whole; and

WHEREAS, Said mayor and common council of said city, after canvassing the return of the said last-mentioned special election, duly found and declared that a majority of said qualified electors voting at said special election had voted in favor of and had ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature for its approval and ratification as a whole without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; and

WHEREAS, Said charter was ratified in words and figures following, to wit:

CHARTER OF CITY OF MARYSVILLE

Prepared and Proposed for the City of Marysville by the
BOARD OF FREEMOLDERS, elected September 3rd, 1918.

In Pursuance of the Provisions of Section 8, Article XI, of
the Constitution of the State of California.

ARTICLE I.

BOUNDARIES.

SECTION 1. The City of Marysville shall continue to be a municipal corporation by the name of CITY OF MARYSVILLE. The boundaries thereof are hereby declared to be as follows: Boundaries.

Commencing at a point on the south bank of Yuba River, opposite D Street in said City; thence down the south bank of said river to the center of Feather River; thence up the center of Feather River to a point opposite Sixteenth Street in said City; thence easterly along the north line of said Sixteenth Street to E Street in said City; thence northerly along the west line of E Street to the northwest corner of suburban Lot 5, Range D; thence easterly to the outer side of the levee as now located by said City; thence along the outer side of said levee until it intersects the Browns Valley Road or grade; thence along the extreme southeasterly side of said Browns Valley Road or grade to a point where said Browns Valley grade or road intersects Swezy Street; thence due south to the south bank of Yuba River; thence along the south bank of Yuba River to the place of beginning.

SECTION 2. The said boundaries of the City shall not be changed unless by a two-thirds vote of the qualified electors of said City voting therefor at a general municipal election.

ARTICLE II.

LEGISLATIVE.

SECTION 1. The legislative power of the City of Marysville shall be vested in a body to be designated as the Mayor and Common Council. Legislative power.

SECTION 2. THE COMMON COUNCIL. The Common Council of the City of Marysville shall consist of five councilmen who shall be elected by the qualified electors of said City, and shall hold their offices for a period of four years from and after the first Monday in February next succeeding their election and until their successors are elected and qualified; provided, however, that the two Councilmen elected at the first election held under this Charter by the smallest number of legal votes cast for Councilmen elected at such election shall hold their offices for a term of two years only from and after the first Monday in February next succeeding their election and until their Common council.

successors are elected and qualified. Should a vacancy occur in the office of any Councilman the remaining members of the Council shall have power to fill such vacancy for the unexpired term.

Mayor. SECTION 3. The Common Council shall elect one of its members as Mayor of the City to serve for such term as the Council shall direct, provided that the Council shall not have power to extend the office of such Mayor beyond the term for which he was elected Councilman.

Officers. SECTION 4. The Mayor and Common Council shall elect all subordinate officers of the City prescribed by the Ordinances thereof, including a Police Judge, a Marshal who shall be ex-officio Tax Collector, a Clerk who shall be ex-officio Clerk of the Common Council and ex-officio Clerk of the Police Court, also a Treasurer, an Assessor, and in their discretion a City Attorney, provided that no person shall hold more than one City office at any one time.

Powers. SECTION 5. Except as otherwise in this Charter specifically provided the Mayor and Common Council shall have all the powers which are now or may at any time hereafter be vested in the Common Council of Cities by the Constitution and Chapter III of Title III of Part IV of the Political Code of the State of California.

Enacting clause. SECTION 6. The enacting clause of all City Ordinances shall be as follows: "The Mayor and Common Council of the City of Marysville do ordain as follows."

Validity. SECTION 7. If any section or part of a Section of this Charter proves to be invalid it shall not be held to invalidate or impair the validity of any other Section or part of a Section unless it clearly appears that such other Section or part of a Section is necessarily dependent for its operation upon the Section or part of the Section so held to be invalid.

Ordinances in force. SECTION 8. All valid Ordinances of the City of Marysville in force at the date of the taking effect of this Charter shall continue to be in force and effect as Ordinances of the City of Marysville under this Charter until the same are repealed or modified by the Mayor and Common Council.

Contracts. SECTION 9. The Mayor and Common Council of said City shall not contract any debt or liability by borrowing money, loaning the credit of the City, or otherwise, which said indebtedness shall at any time either singly or in the aggregate exceed the sum of Ten Thousand Dollars (\$10,000.00), except for levee purposes, without the assent of two-thirds of the qualified electors of said City voting at an election held for that purpose; and neither the Mayor or any member of the Common Council shall be interested in any contract to which the City is a party.

SECTION 10. Any contract made in violation of the provisions of Section Nine of this Act shall be void.

SECTION 11. The Mayor and Common Council shall be ex-officio funding Commissioners of the City and shall serve as such without compensation.

SECTION 12. Except as otherwise provided by this Charter or by the Constitution of the State the Mayor and Common Council may by Ordinance prescribe the manner in which any power of the City shall be exercised.

SECTION 13. An affirmative vote of at least three members of the Common Council shall be necessary to adopt any Ordinance or Resolution. The vote upon all Ordinances and Resolutions shall be taken by "AYES" and "NAYES" and entered in the minutes of the Clerk. Notes for adoption of ordinance.

SECTION 14. The Mayor shall be entitled to only one vote the same as any other member of the Common Council.

SECTION 15. The Mayor shall appoint the various Committees which shall be provided for by Ordinances. Each Committee shall consist of but one of the members of the Common Council. The Mayor shall be eligible for Committee appointment, and said Committee appointments shall, as far as practicable, be equally apportioned among the several members of the Common Council. Appointment of committees.

SECTION 16. The fiscal year of the City shall begin on the first Monday in July. On or before the first day of May of each year each committeeman shall submit to the Mayor and Common Council an estimate in writing of the revenues and expenditures of the City department under his charge for the next ensuing year. Fiscal year.

SECTION 17. Upon the receipt of such detailed estimates the Mayor and Common Council shall establish a Budget and fix and determine the amount to be apportioned and allotted to such department during the next ensuing year. Budget.

At the same time the Mayor and Common Council shall establish the following funds to represent said several departments, to-wit:

1. SALARY FUND.
2. FIRE AND WATER FUND.
3. SANITARY AND DRAINAGE FUND.
4. STREETS AND ROADS FUND.
5. PUBLIC BUILDINGS AND GROUNDS FUND.
6. LIGHT, POWER AND WATER FUND.
7. GENERAL FUND.

and such other funds as may be necessary to accommodate such additional Committees or Departments as the Mayor and Common Council may create.

SECTION 18. The City acting through the Mayor and Common Council may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service, or other means of communication; such works may be acquired by original construction or by the purchase of existing works, including their franchise, or both, in such manner as is provided by the Constitution of the State of California and the laws of said State now or to be hereafter enacted in relation thereto. Public works.

Levees.

SECTION 19. An Act of the Legislature of the State of California entitled "An Act concerning the construction and repair of levees in the City of Marysville and the mode of raising revenue therefor", approved March 6th, 1876, in so far as the same can be affected by this Charter, is hereby re-adopted, re-enacted and continued in force.

ARTICLE III.

SALARIES.

Salaries.

The following salaries shall be paid to the several officers of the City, to-wit:

1. The Mayor and each member of the Common Council Five Dollars (\$5.00) for attendance upon every meeting of the Common Council, not to exceed in any one year one hundred and fifty dollars (\$150.00).

2. Marshal, Twenty-four Hundred Dollars (\$2400.00) per year.

3. Police Judge, Six Hundred Dollars (\$600.00) per year.

4. Clerk, Fifteen Hundred Dollars (\$1500.00) per year.

5. Assessor, One Thousand Dollars (\$1000.00) per year.

6. City Attorney, such compensation as may be fixed by the Mayor and Common Council not exceeding Six Hundred Dollars (\$600.00) per year.

7. Treasurer, who may be either a natural person or a corporation, such a salary as may be fixed by the Mayor and Common Council.

Said salaries shall be paid by warrants drawn on the Salary Fund monthly, and shall be in full compensation for all services rendered by said respective officers.

ARTICLE IV.

TAXATION.

Taxation.

SECTION 1. All property within the City not exempt under the laws of the United States or the laws of the State of California is subject to taxation for municipal purposes.

SECTION 2. City taxes shall be assessed, levied and collected as now is or shall be hereafter provided by the laws of the State of California in reference to assessing, levying, and collecting County Taxes, except as the same may be modified by Ordinances duly passed and ordained by the Mayor and Common Council.

SECTION 3. The total tax rate for any one year shall not exceed one and one-half per cent ($1\frac{1}{2}$) of the assessed valuation except for levee purposes, and except also for the payment of the principal and interest of any bonded indebtedness against the City, said payment of principal and interest not to exceed in any one year One Per Cent of the average assessed valuation for the last three preceding years.

SECTION 4. In preparation for the first assessment of taxes after this Charter takes effect and at intervals of five years thereafter the Mayor and Common Council shall at or before their first meeting in February provide for a scientific appraisal by a recognized expert of all the real property in the city, the same to be approved by the Mayor and Common Council. This appraisal shall be made as of Twelve O'clock Noon on the first Monday in March, and it shall be used by the Assessor as the basis for the assessment for that year and he shall revise his valuation in each intervening year.

ARTICLE V.

EDUCATION.

SECTION 1. The control of the School Department shall be vested in a City Board of Education, which shall consist of three members who shall hold their offices for a period of four years from and after the first Monday in February next succeeding their election and until their successors are elected and qualified. They shall elect one of their members as President. They shall serve without compensation. Education.

SECTION 2. Said City Board of Education shall perform such duties and shall have such powers as now are or shall hereafter be provided by the laws of the State of California relating to Public Schools in Cities.

SECTION 3. The members of the City Board of Education who shall be in office, at the time this Charter shall take effect, shall remain in office until their successors have been elected and qualified.

ARTICLE VI.

POLICE COURT.

SECTION 1. The judicial power of the City shall be vested in a Police Court, the Judge of which Court shall be the Police Judge to be appointed by the Common Council of the City as in this Charter provided; the Clerk of said City shall be ex-officio Clerk of said Police Court. Police court.

SECTION 2. Said Police Court shall have jurisdiction concurrently with the Justice's Court of all actions and proceedings, Civil and Criminal, arising within the corporate limits of the City, and which might be tried in such Justice's Court. In addition thereto said Court shall have the jurisdiction and shall exercise all and singular the powers now or at any time hereafter vested in Police Courts by Title III of Part IV of the Political Code of the State of California.

SECTION 3. The penalty for the violation of any City Ordinance shall be the same as that provided for a misdemeanor by the Penal Code of this State, except that imprisonment therefor may be in either the City Prison or in the County Jail of the County of Yuba, in said State.

ARTICLE VII.

ELECTIONS.

Elections.

SECTION 1. The present Mayor of the City shall issue his Proclamation for the elections to be held under this Charter on the third Monday in January, 1920, and the Mayor provided for in this Charter shall issue his Proclamation for all elections to be hereafter held.

SECTION 2. Except as otherwise herein provided all elections under this Charter shall be called, held and conducted in accordance with the laws of the State of California governing elections.

SECTION 3. For the purpose of choosing the officers mentioned in Section Two of Article II of this Charter there shall be an election held in the City on the third Monday in January, 1920, and upon the third Monday in January every two years thereafter.

SECTION 4. For the purpose of choosing the officers mentioned in Section One of Article V of this Charter there shall be an election held in the City on the third Monday in January, 1920, and upon the third Monday in January every four years thereafter.

WHEREAS, the City of Marysville for years last past has been and now is a City containing a population of more than three thousand five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, and

WHEREAS, on the 3rd day of September, 1918, at a special election duly held on that day in said City, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did duly appoint and elect

W. T. ELLIS
 MARTIN SULLIVAN
 FRANK E. SMITH
 W. B. SWAIN
 C. N. MARDERS
 WILLARD F. ROBERTS
 FRANK LANE
 GEORGE WILLIAM RICHARDS
 ALBERT L. MILLER
 ABRAM WALTER LEWIS
 DANIEL E. BRYANT
 J. E. EBERT
 S. EWELL
 THOMAS MATHEWS
 W. H. CARLIN

(who were all electors of said city and eligible as candidates under said section) a board of fifteen freeholders to prepare and propose a Charter for the government of said city, and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit: The Common Council of said City on the 10th day of September, 1918, and the said electors thereafter duly qualified as such freeholders in accordance with law, and Marysville
city charter.

WHEREAS, the period of one hundred and twenty days allowed by law to prepare and propose said Charter has not yet expired.

BE IT KNOWN, That in pursuance of the provisions of said Constitution and within the said period of one hundred and twenty days after the result of said election was so declared the Board of freeholders has prepared and does now propose the foregoing as and for the Charter of the City of Marysville; and

BE IT FURTHER KNOWN, that the said Board of freeholders hereby requests said council to cause the publication of said proposed Charter as provided by said Section 8 of Article XI of the Constitution, and hereby fixes Tuesday, the 25th day of February, 1919, as the date for holding a special municipal election in said city, at which the proposed Charter shall be submitted to the electors of said city for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned freeholders have hereunto set their hands at the City of Marysville, in the State of California, this 16th day of December, 1918.

ABRAM WALTER LEWIS

President

FRANK E. SMITH

Secretary

S. EWELL

WILLARD F. ROBERTS

MARTIN SULLIVAN

GEORGE WILLIAM RICHARDS

FRANK LANE

J. E. EBERT

THOMAS MATHEWS

C. N. MARDERS

W. B. SWAIN

W. T. ELLIS

DANIEL E. BRYANT

ALBERT L. MILLER

W. H. CARLIN

Freeholders of the City of Marysville.

The board of freeholders of the City of Marysville hereby requests the Common Council of said city to cause the publication of the foregoing proposed Charter in the manner provided by law, and hereby fixes Tuesday, the 25th day of February, 1919, as the date for holding a special municipal election in said city, at which the said Charter shall be submitted

Marysville
city charter.

to the electors of said city for their ratification and adoption.
Dated this 16th day of December, 1918.

ABRAM WALTER LEWIS

President.

FRANK E. SMITH

Secretary.

S. EWELL

WILLARD F. ROBERTS

MARTIN SULLIVAN

GEORGE WILLIAM RICHARDS

FRANK LANE

J. E. EBERT

THOMAS MATHEWS

C. N. MARDERS

W. B. SWAIN

W. T. ELLIS

DANIEL E. BRYANT

ALBERT L. MILLER

W. H. CARLIN

Freeholders of the City of Marysville.

Filed this 16th day of December, 1918.

GEO. W. RICHARDS,

Assessor and Ex-officio Clerk of the City of Marysville,
State of California.

State of California,)
County of Yuba,) ss.
City of Marysville.)

Certificate.

I, MAT ARNOLDY, Mayor of the City of Marysville, State of California, do hereby certify that I now am, and at all times herein mentioned was, the duly elected, qualified and acting Mayor of said City; that

W. T. ELLIS

MARTIN SULLIVAN

FRANK E. SMITH

W. B. SWAIN

C. N. MARDERS

WILLARD F. ROBERTS

FRANK LANE

GEORGE WILLIAM RICHARDS

ALBERT L. MILLER

ABRAM WALTER LEWIS

DANIEL E. BRYANT

J. E. EBERT

S. EWELL

THOMAS MATHEWS

W. H. CARLIN

whose names appear signed to the foregoing proposed Charter were and each of them was on the 3rd day of September, 1918, at a special election held in said City of Marysville on said day duly elected by the qualified voters of said City as a Board of Freeholders to prepare and propose a Charter for said City of Marysville. That each and every of said persons so elected was a freeholder and was at the time of said election and had been continuously for more than five years immediately prior thereto a qualified elector of said City of Marysville. That the foregoing is a full, true and correct copy of said Charter prepared by said Board of freeholders and filed in the office of the City Clerk of said City of Marysville on the 16th day of December, 1918, and within one hundred and twenty (120) days after the result of said election was declared by the Mayor and Common Council of said City of Marysville as required by Section 8 of Article XI of the Constitution of the State of California. That said proposed Charter was then published once, namely, on the 17th day of December, 1918, and within fifteen days after the filing of said Charter as aforesaid, in the office of the City Clerk of said City of Marysville, in the Marysville Evening Democrat, which at all times herein mentioned was, and now is, the official paper of said City and a daily newspaper of general circulation printed, published and circulated in said City of Marysville. And said Mayor and Common Council of said City did also cause copies of such Charter to be printed in convenient pamphlet form and did from said date of publication aforesaid until the date of the special election hereinafter mentioned advertise in said Marysville Evening Democrat a notice that such copies of such Charter might be had upon application therefor to the City Clerk of said City. That as required by said Section 8 of Article XI of said Constitution a special election was held in said City not less than sixty days from the completion of the publication of such Charter, to-wit, on the 25th day of February, 1919, for the purpose of ratifying said proposed Charter as a whole; that by a majority of the votes of the qualified voters voting thereon at such election said proposed Charter was ratified as a whole; that the returns of said election were duly canvassed by the Mayor and Common Council of said City of Marysville on the 28th day of February, 1919, and as a result thereof declared as above set forth; and that during all the times herein mentioned or referred to said City of Marysville did and does now have and contain a population of more than thirty-five hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and in all matters and things pertaining to said proposed Charter, all provisions of said Section 8 of said Article XI of the Constitution and the laws of the State of California pertaining to the adoption of said Charter have been fully complied with in every particular.

Marysville
city charter.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Corporate Seal of said City of Marysville to be affixed this 3rd day of March, 1919.

MAT ARNOLDY,
Mayor of said City of Marysville.

[SEAL.]

ATTEST:

GEO. W. RICHARDS,

Assessor and Ex-officio Clerk of said City of Marysville.

AND WHEREAS, Said proposed charter has been duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

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 Marysville in the State of California, as presented, adopted and ratified by the qualified electors of said city be, and the same hereby is approved as a whole as and for the charter of the said city of Marysville.

CHAPTER 33.

Assembly Joint Resolution No. 7—Relative to development of the merchant marine of the United States.

[Filed with Secretary of State April 5, 1919.]

Development
of United
States
merchant
marine.

WHEREAS, It is now thoroughly understood that the lack of an adequate merchant marine was one of the important contributing features to the failure of the United States to secure for itself a proper share of the foreign trade of the world before the outbreak of the world war; and

WHEREAS, The United States now has the opportunity to secure a greatly increased foreign trade through the development of our merchant marine; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California memorialize the congress of the United States for the extension and development of the merchant marine of the United States until it shall become the greatest of any nation in the world, to the end that the manufacturers of these United States shall be encouraged to seek the widest of world markets for goods made in the United States of America; and be it further

Resolved, That the congress of the United States be further memorialized to the end that all of the working conditions of

the employees of the merchant marine of the United States, including quarters, food, wages, safety provisions, training, etc., shall be maintained at a standard at least equal to and not lower than that established by "An act to promote the welfare of American seamen in the merchant marine of the United States and to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," which became a law March 4, 1915, commonly known as the "Seaman's Act of 1915," and be it further

Development
of United
States mer-
chant marine.

Resolved, That the senators and representatives in congress from the State of California be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded by the chief clerk of the assembly to the President and Vice President of the United States, to the members of the cabinet, and to each of the senators and representatives in congress from the State of California.

CHAPTER 34.

Assembly Concurrent Resolution No. 21—Relative to adjournment sine die.

[Filed with Secretary of State April 5, 1919.]

Resolved, by the assembly, the senate concurring, That the legislature adjourn *sine die* at ten o'clock p.m., Tuesday, April 22, A.D. 1919.

Adjournment
sine die.

CHAPTER 35.

Senate Joint Resolution No. 17—Relative to the investigation by the federal authorities of the feasibility and cost of a bridge across the Golden Gate, bay of San Francisco.

[Filed with Secretary of State April 11, 1919.]

WHEREAS, The existence of the bay of San Francisco and its tributary water constitutes a barrier to the rapid and economical transportation of persons and products between the northern coast counties of the state and the counties to the southward; and

Bridge
across
Golden Gate.

WHEREAS, The construction of a bridge across the Golden Gate would facilitate traffic between the sections referred to and would promote the public welfare; now, therefore,

Resolved by the senate of the State of California, the assembly concurring, That our senators and representatives in congress be urged to promote the necessary legislation providing

for a preliminary survey and report with a view to determine whether the projected bridge is practicable, and to furnish an estimate of its cost.

CHAPTER 36.

Senate Joint Resolution No. 27—Relating to the placing of a captured German submarine in Golden Gate Park as a lasting monument to the fighting skill, courage and patriotism of the Pacific coast world's war heroes.

[Filed with Secretary of State April 11, 1919.]

Placing of
German
submarine
in Golden
Gate Park.

WHEREAS, The officials of the Twelfth Federal Reserve Bank District Liberty Loan headquarters have received advices from Washington which indicate that there is a possibility of a captured German submarine being exhibited in every Pacific coast port in connection with the forthcoming Victory Loan campaign; and

WHEREAS, It appears that there is a possibility that one of these captured German submarines may be left permanently on the Pacific coast; and

WHEREAS, The people of the Pacific coast have given in full measure their men and women and their means with unselfish sacrifice and patriotic devotion to the great war which has been signally won in behalf of civilization; and

WHEREAS, The sailors, soldiers and marines from the Pacific coast wholly disregarding their own safety and with fearless gallantry faced the perils of submarine warfare and deadly poison gas, shrapnel, machine guns and high explosive shells of the trenches, rendering these acts of supreme sacrifice that have made the American spirit traditional in all the wars of the republic; and

WHEREAS, As the result of these brave deeds, feudalism was given its deathblow and this generation and future generations may be permitted to live in peace; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California urges as signally appropriate that one of these captured German submarines, and preferably the "Deutschland," be finally placed in Golden Gate Park at San Francisco as a permanent and fitting monument to the fighting skill, courage and patriotism of our Pacific coast world's war heroes who so bravely, determinedly and successfully came to the rescue of the war-worn allies, and by their indomitable courage turned the great war into a glorious victory; and be it further

Resolved, That Secretary of the Navy Josephus Daniels and Secretary of War Newton D. Baker be respectfully urged to comply with this request; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to forward copies of this resolution to Secretary of

the Navy Josephus Daniels and to Secretary of War Newton D. Baker and to each of California's senators and representatives in congress with the request that each use his very best endeavor to secure one of these captured enemy submarines to be used as set forth in this resolution.

CHAPTER 37.

Assembly Concurrent Resolution No. 22—Relative to certain amendments to the charter of the city of Alameda, voted and ratified by the electors of said city at a regular municipal election held therein on the eleventh day of March, 1919.

[Filed with Secretary of State April 11, 1919]

WHEREAS, The city of Alameda, State of California, now is and was at all times herein mentioned a city containing a population of more than ten thousand inhabitants, 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, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the ninth day of January, 1917, and approved by the legislature of the State of California by concurrent resolution filed with the secretary of state on the twenty-fifth day of January, 1917; and

Alameda
city charter
amendments.

WHEREAS, The legislative authority of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Alameda, ten certain amendments to the charter of said city, which said proposed amendments were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their passage in the "Evening Times-Star and Alameda Daily Argus," a daily newspaper of general circulation published in said city of Alameda; and

WHEREAS, Copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for said election, an advertisement was published in said newspaper giving notice that copies of said proposed amendments could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies were available and could be had upon application therefor as aforementioned until the date fixed for said election; and

WHEREAS, Said election was duly called and held on said eleventh day of March, 1919, and whereat a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify six of said amendments to said charter; and

Alameda
city charter
amendments.

WHEREAS, The returns of said election were duly and regularly canvassed and declared in time, form and manner as provided by law and the charter of said city, whereupon it was duly found, determined and declared by the council of said city that a majority of the qualified electors of said city voting thereon had voted for and ratified six of said proposed amendments to said charter, which are hereinafter set forth; and

WHEREAS, Said six amendments to said charter so ratified by a majority of the qualified electors of said city are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1.

That Art. II, Sec. 10, be amended to read as follows:

Legislative
acts.

Sec. 10. Legislative Acts. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of the City of Alameda." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of the City of Alameda." No ordinance shall be so amended as not to be germane to its original purpose. No ordinance shall be passed by the council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting, except as provided by section fourteen of this article. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the clerk and published at least once in a newspaper published in the City of Alameda, or advertised as hereinafter provided.

CHARTER AMENDMENT NO. 2.

That Article II, Sec. 14, be amended to read as follows:

Time of
taking effect
of
ordinances.

Sec. 14. Time of Taking Effect of Ordinances. Except as otherwise provided no penal ordinance or measure passed by the council, granting any franchise or privilege, and no ordinance or measure making or authorizing any contract, except contracts for improvements the expenses whereof are to be defrayed by local assessment, and other contracts where the subject matter involved is of less value than one thousand dollars, shall go into effect until thirty days after its final passage. But ordinances and contracts declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a four-fifths vote of the whole council and containing the reasons for their urgency may go into effect at the will of the council, or as otherwise provided by law; provided, that a contract in such case shall not obligate the city for a longer period than one year; and provided further that in case of an extraordinary epidemic or disaster requiring immediate action on the part of any of the public authorities, an urgency ordinance may be introduced and passed immediately at either a regular or special meeting without any intervention of time between its introduction and final passage.

CHARTER AMENDMENT NO. 3.

That Art. II, Sec. 18, be amended to read as follows:

Sec. 18. Advertising. The council shall annually call for ^{Advertising.} bids for advertising, and a contract therefor shall be awarded to the lowest responsible bidder;

PROVIDED, that the council may reject all bids if in their opinion the bid of the lowest responsible bidder is exorbitant, and may again call for bids. In lieu of newspaper advertising the council may issue and publish a bulletin containing such matter as they are required by law to publish, sending the same by mail to the registered voters of the city, to their addresses as the same shall appear on the great register of Alameda County, and shall also post printed copies of such advertisement in three public places in the City of Alameda, at least five days before action is taken in response to said publication. Such mailing and posting shall be deemed to be of the same effect as if the advertisement had been fully published in the official newspaper of the city. The council shall annually designate as the official paper, a newspaper of general circulation published in this city, which shall have been established at least one year. In no event shall the rate for official advertising exceed the usual rate charged by the paper for publishing legal notices.

CHARTER AMENDMENT NO. 4.

That Art. II, Sec. 20, be amended to read as follows:

Sec. 20. Vacancies in the Council. Any vacancy occurring ^{Vacancies in Council.} in the council shall be filled by majority vote of the remaining councilmen.

Provided, however, that any person appointed hereafter to fill such a vacancy shall hold office only until the next general municipal election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case of failure of the council to appoint within thirty days, a board consisting of the police judge, the auditor and the tax collector shall, by majority vote, make the appointment.

CHARTER AMENDMENT NO. 9.

That Art. IV, Sec. 21, be amended to read as follows:

Sec. 21. If the council fail to fix the tax rate ^{Tax rate.} within the time prescribed, then the previous years rate shall be arbitrarily used and adopted.

CHARTER AMENDMENT NO. 10.

That Art. IV, Sec. 22, be amended to read as follows:

Sec. 22. No contract made, the expense of the execution of ^{Contracts must be endorsed.} which is not provided by law or ordinance to be paid by assessments upon the property to be benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein

Alameda
city charter
amendments.

provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expenses of executing such contract as certified by the board or officer making the same. This provision shall apply to all work done or supplies furnished. The auditor shall make such endorsement upon every such contract so presented to him if there remain unapplied and unexpended such amount so specified by the officer making the contract, and thereafter he shall hold and retain such sum to pay the expenses incurred until the contract shall be fully performed.

City of Alameda,
County of Alameda, } ss.
State of California. }

Certificate.

This is to certify that we, Greene Majors, Mayor of the City of Alameda, and R. E. Bosshard, City Clerk of said city, have compared the foregoing proposed and ratified amendments to the charter of the City of Alameda with the original proposals submitted to the electors of said city at a general municipal election held on Tuesday, the 11th day of March, 1919, and find that the foregoing is a full, true and correct copy of the amendments so ratified, and we further certify that the facts set forth in the preamble preceding said amendments are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Alameda, this 21st day of March, 1919.

GREENE MAJORS,
Mayor of the City of Alameda.

R. E. BOSSHARD,
City Clerk of the City of Alameda.

[SEAL].

WHEREAS, The said proposed amendments are now submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section eight, article eleven, of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of the charter of said city of Alameda.

CHAPTER 38.

Assembly Concurrent Resolution No. 23—Approving certain amendments to the charter of the city of San Bernardino in the county of San Bernardino, State of California, voted for and ratified by the qualified electors of said city of San Bernardino, at a special municipal election held therein on the eighteenth day of March, 1919.

[Filed with Secretary of State April 11, 1919.]

WHEREAS, The city of San Bernardino, of the county of San Bernardino, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than three thousand five hundred inhabitants, and is now, and has been ever since the eighth day of February, 1905, organized and existing and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the sixth day of January, 1905, and approved by the legislature of the State of California on the eighth day of February, 1905 (Stats. 1905, page 940 et seq.); and

San Bernar-
dino city
charter
amendments

WHEREAS, The mayor and common council of said city of San Bernardino, did by resolution designated as "Resolution No. 928" adopted by said mayor and common council on the twentieth day of January, 1919, and approved by the mayor of said city, on the twenty-first day of January, 1919, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of San Bernardino certain amendments hereinafter set forth, to the charter of said city to be submitted to said qualified electors at a special municipal election to be held in said city on the eighteenth day of March, 1919; and

WHEREAS, Said resolution and said certain proposed amendments hereinafter set forth was published for one day in a daily newspaper, printed and published in said city and of general circulation therein, to wit: In the San Bernardino Daily Sun, said publication being on the twenty-second day of January, 1919; and

WHEREAS, Copies of said proposals containing said proposed amendments were printed in convenient pamphlet form and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said San Bernardino Daily Sun, that such copies could be had upon application therefor, at the office of the city clerk; and

WHEREAS, Copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

San Bernar-
dino city
charter
amendments.

WHEREAS, Thereafter the mayor and common council of said city did by an ordinance designated "Ordinance No. 714" which was duly passed and adopted on the third day of February, 1919, and approved by the mayor of said city on February 4, 1919, call and order the holding of a special municipal election in the city of San Bernardino on the eighteenth day of March, 1919, which said last-mentioned date was at least forty days and not more than sixty days after the completion of the publication of such resolution and proposed amendments to said charter for one day in said San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said city, and which said ordinance calling such special election specified and ordered and ordained that said proposed amendments be submitted to the qualified electors of said city at said special election for ratification or rejection, and designated the time of such election and provided for the election precincts, and the polling places therein, and the election officers for each such precinct, and which said ordinance was published ten times in said San Bernardino Daily Sun, the last date of such publication being on the twentieth day of February, 1919; and

WHEREAS, Said amendments were duly submitted to the qualified electors of said city of San Bernardino at said special election held on said eighteenth day of March, 1919, which said special election was held not less than forty days nor more than sixty days after the completion of the publication of such proposal for one day in said daily newspaper; and

WHEREAS, In and by said ordinance and said resolution so passed, approved and published as aforesaid, said proposed amendments were submitted to the qualified electors of said city at said special municipal election; and

WHEREAS, On the twentieth day of March, 1919, at a meeting of said mayor and common council of said city of San Bernardino duly convened in accordance with law and with the provisions of said charter of said city, said mayor and common council of said city of San Bernardino did duly and regularly canvass the returns of said special municipal election so held on the eighteenth day of March, 1919, and did find thereon that each of said proposed amendments to said charter, hereinafter particularly set forth, was duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said mayor and common council after canvassing said returns and at said meeting so held as aforesaid after said canvass, did duly find and declare that each and all of said proposed amendments had been ratified and adopted by the majority of the electors voting thereon; and

WHEREAS, Said amendments so ratified by the electors of said city of San Bernardino at said special municipal election held on the said eighteenth day of March, 1919, are now submitted to the legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of

article eleven of the constitution of the State of California; and

San Bernar-
dino city
charter
amendments.

WHEREAS, No other proposed amendment to said charter had been submitted to the electors of said city of San Bernardino within two years immediately prior to said eighteenth day of April, 1913.

NOW, THEREFORE, the undersigned, J. W. Catick, the mayor and chief executive of the city of San Bernardino, and J. H. Osborn, city clerk and clerk of the mayor and common council of said city, authenticating their signatures, with the official seal of said city, do hereby certify that said amendments to said charter of said city so ratified by the majority of the electors voting thereon at said special municipal election, held on the eighteenth day of March, 1919, as submitted to said electors are in the words and figures as follows, and are and shall, if so approved by said legislature, be in the words and figures following, to wit:

PROPOSED CHARTER AMENDMENT NO. 1.

It is hereby proposed that Section 24 of the Charter of said City be amended so as to read as follows:

“Section 24. The Mayor shall receive an annual salary of \$1500.00, payable monthly.”

Salary of
Mayor.

The amendment herein proposed shall be known and designated as Proposed Charter Amendment No. 1, and if ratified by the electors voting at said Special Election shall be in force and effect immediately after its approval by the Legislature of the State of California.

PROPOSED CHARTER AMENDMENT NO. 2.

It is hereby proposed that a new section be added to said Charter of said city, to be designated Section 24A and to read as follows:

“Section 24A. The councilmen shall each receive an annual salary of \$300.00 payable monthly.”

Salaries of
councilmen.

The amendment herein proposed shall be known and designated as Proposed Charter Amendment No. 2 and if ratified by the electors voting at said Special Election shall be in force and effect immediately after its approval by the Legislature of the State of California.

PROPOSED CHARTER AMENDMENT NO. 3.

It is hereby proposed that a new section be added to said Charter of said City to be designated Section 24B and to read as follows:

“Section 24B. The City Clerk shall receive an annual salary of \$1500.00 payable monthly.”

Salary of
City Clerk.

The Amendment herein proposed shall be known and designated as Proposed Charter Amendment No. 3 and if ratified by the electors voting at said Special election shall be in force and

effect immediately after its approval by the Legislature of the State of California.

PROPOSED CHARTER AMENDMENT NO. 4.

It is hereby proposed that a new section be added to said Charter of said City to be designated Section 24C and to read as follows:

Salary of
City
Attorney.

"Section 24C. The City Attorney shall receive an annual salary of \$1500.00 payable monthly."

The amendment herein proposed shall be known and designated as Proposed Charter Amendment No. 4 and if ratified by the electors voting at said Special Election shall be in force and effect immediately after its approval by the Legislature of the State of California.

PROPOSED CHARTER AMENDMENT NO. 5.

It is hereby proposed that a new section be added to said Charter of said City, to be designated Section 24D, and to read as follows:

Salary of
Police Judge.

"Section 24D. The police Judge shall receive an annual salary of \$1500.00 payable monthly. The Police Judge shall be Ex-officio City Treasurer."

The Amendment herein proposed shall be known and designated as Proposed Charter Amendment No. 5, and if ratified by the electors voting at said Special Election shall be in force and effect immediately after its approval by the Legislature of the State of California.

Certificate.

And the said J. W. Catick as Mayor and Chief Executive of said city and J. H. Osborn, as Clerk of said city and of the Mayor and Common Council of said city, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendments to the charter of said city of San Bernardino, with the original submission thereof, and with said resolution No. 928 and with said Ordinance No. 714 submitting the same to the qualified electors of said city at a special Municipal election held in said city on the 18th day of March, 1919, and with the proceedings of the Council of said city, on file and of record in the office of said Clerk, subsequent to the passage of said ordinance and resolution, and from said comparison and examination they find, and hereby certify, that the foregoing contains a true, full, exact and correct copy of said charter amendments to said charter of said City of San Bernardino so ratified as aforesaid.

And we further hereby certify that the facts set forth in the Preamble of this certificate preceding said amendments to said charter are and each of them is true.

And, for and on behalf of said city, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California to adopt said amendments to said charter as a whole and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and cause our signatures, authenticated by the official seal of said City, to be hereunto attached, this 20th day of March, 1919.

J. W. CATICK

Mayor and Chief Executive of the City of San Bernardino.

ATTEST: J. H. OSBORN

City Clerk of the City of San Bernardino and clerk of the mayor And Common Council of said city of San Bernardino.

[SEAL]

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the said charter of said city of San Bernardino, herein set forth, as presented and submitted to, and adopted and ratified by the qualified electors of said city of San Bernardino, be, and the same are hereby approved as a whole for and as amendments to and as part of said charter of said city of San Bernardino.

Approval by legislature.

CHAPTER 39.

Senate Joint Resolution No. 10—Relative to the levy and collection by the United States government of taxes on inheritances.

[Filed with Secretary of State April 21, 1919.]

WHEREAS, There is great confusion caused in the collection by both the federal government and the several states of the United States, of taxes upon inheritances; and

Federal inheritance tax on estates over \$5,000,000 only.

WHEREAS, There should be a uniform system whereby the taxes upon inheritances would be the same in each of the states; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to take such action as may be necessary to provide that the several states shall levy and collect for state uses all taxes upon inheritances on estates up to an appraised value of five million dollars and that the government of the United States shall levy and collect for federal purposes all inheritance taxes on that portion of estates in excess of five million dollars; and be it further

Resolved, That our senators and representatives in congress be, and they are hereby requested to use all reasonable means to secure the action desired in this matter; and be it further

Resolved, That the secretary of the senate be and he is hereby instructed to forward copies of these resolutions to

the president of the senate of the United States, to the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 40.

Senate Joint Resolution No. 14—Relative to the restoration of a two-cent ad valorem tax on rice.

[Filed with Secretary of State April 21, 1919.]

Restoration
of tariff to
protect rice
industry.

WHEREAS, Protection of American industries against the competition of cheap labor countries of the world should be the controlling policy of this nation; and

WHEREAS, At present it is desirable that such a tariff on rice be imposed as will protect the home market against imports of this staple of agriculture against foreign competition; and

WHEREAS, Rice is produced in foreign countries in such surplus quantities for export as to seriously menace the rice industry in the State of California and elsewhere in the United States unless some protection be afforded the American rice grower; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to restore by appropriate legislation the two-cent ad valorem tax on rice heretofore existing, to the end that adequate protection be afforded to this important American industry; and be it further

Resolved, That our senators and representatives in congress be and they are hereby urged by this legislature to use all honorable means within their power to secure the enactment of a law to that effect; and be it further

Resolved, That the secretary of the senate be and he hereby is directed to forward copies of these resolutions to the president of the senate of the United States, to the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 41.

Assembly Concurrent Resolution No. 16—Relative to the adoption of joint rules.

[Filed with Secretary of State April 22, 1919.]

Joint rules.

Resolved by the assembly, the senate concurring, That the following shall constitute the joint rules for the government of joint actions of senate and assembly during the forty-third session:

JOINT RULES OF SENATE AND ASSEMBLY.

Committees and Committee Meetings.

STANDING COMMITTEES.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the senate and assembly, the number of members and the manner of selection to be determined by the rules of each house: Standing committees.

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and navigation.
- (4) Corporations.
- (5) County government.
- (6) Drainage, swamp and overflowed lands.
- (7) Education.
- (8) Elections.
- (9) Federal relations.
- (10) Finance in the senate and ways and means in the assembly.
- (11) Fish and game.
- (12) Hospitals and asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and capital.
- (17) Military affairs.
- (18) Mines and mining.
- (19) Municipal corporations.
- (20) Oil industries.
- (21) Prisons and reformatories.
- (22) Public health and quarantine.
- (23) Public morals.
- (24) Public utilities.
- (25) Revenue and taxation.
- (26) Roads and highways.
- (27) Rules.

JOINT COMMITTEES.

2. Joint standing committees of senate and assembly shall be appointed as follows: Joint committees.

- (1) Committee on revision and printing, to consist of three members from the senate and five (5) from the assembly.
- (2) Committee on joint rules, to consist of the members of the rules committee of each house.

JOINT MEETING OF COMMITTEES.

3. Whenever any bill has been referred by the senate to one of its committees, and the same or a like bill has been referred by the assembly to one of its committees, the chairmen of the respective committees, when in their judgment the Joint meeting of committees.

interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Bills and Resolutions.

SCOPE OF WORD "BILL."

"BILL." 4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

JOINT AND CONCURRENT RESOLUTIONS.

Joint and concurrent resolutions. 5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

Resolutions as bills. 6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house, and that they shall not be deemed bills within the meaning of section two of article four of the constitution and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

Preparation and Introduction of Bills.

TITLE OF BILL.

Title. 7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

DIVISION OF BILL INTO SECTIONS.

Division into sections. 8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES FROM EXISTING LAWS TO BE MARKED BY AUTHOR.

Amendments to existing laws. 9. In case of a bill amending a code section, or general law, all omissions must be shown by the insertion of heavy parentheses or brackets without including the omitted matter; all additions must be shown by underlining the new matter. When

printed, the new matter so underlined shall be enclosed in heavy brackets in the printed bill and also heavy brackets shall be retained to show omissions.

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS WHEN INTRODUCED.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing. Examination when introduced.

NOTE.—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course.

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

11. The committee on revision and printing shall see to it that rules seven and nine of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out. Amendments to existing laws.

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

12. The committee on revision and printing shall return to the secretary of the senate or chief clerk of the assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered. Return of bills from committee on revision and printing.

ENDORSEMENT OF DATE OF INTRODUCTION.

13. Bills introduced in either house shall be endorsed with the date of introduction. Date of introduction.

Printing and Distribution of Bills.

MANNER OF PRINTING BILLS, ETC.

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions: Manner of printing.

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

Manner of
printing.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the bills shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

Printing of
amendments.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendments, such new matter shall be inclosed in heavy parentheses in the printed bill, and in the case of matter being omitted, the omission shall also be indicated by heavy parentheses. When a bill is amended in either house, the first or previous markings, except that showing change from code provision or former law, shall be omitted. When a bill amendatory of a code section is engrossed, all figures or symbols shall be removed.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

Distribution
during
constitu-
tional recess.

16. All requests for mailing or distribution by the members shall be filed with the secretary of the senate or chief clerk of the assembly who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' desks and legislative officers' files one hundred fifty full sets; to authors fifty copies of their own bills; accredited newspaper representatives twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the senate and chief clerk of the assembly may compile from the recommendations of the members of both houses, one thousand two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated, one thousand copies. The state printer shall cause to be printed in the standard form adopted by the senate and the assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

A similar number and distribution shall be made of the semifinal history and final calendar.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

Distribution
after con-
stitutional
recess.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly

histories and journals shall be distributed generally, following the recess, upon such schedule as the secretary of the senate and chief clerk of the assembly may designate.

Other Legislative Printing.

PRINTING OF THE DAILY JOURNAL.

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the senate and chief clerk of the assembly, to bind in book form as the journal of the respective houses of the legislature as required by law. Daily Journal.

WHAT SHALL BE PRINTED IN THE JOURNAL.

19. The following shall always be printed in the journal of each house: What shall be printed.

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses. Daily file.

PRINTING OF HISTORY.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses. History.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

Printing
orders.

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the senate or the chief clerk of the assembly. The secretary of the senate and the chief clerk of the assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

Record of Bills.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

Register
of bills.

23. The secretary of the senate and the chief clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

Endorsement.

24. The secretary of the senate and the chief clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

Action in One House on Bill Transmitted From the Other.

BILLS READ AND REFERRED TO COMMITTEE.

Bills from
other house.

25. When a senate bill has been received by the assembly or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

Procedure.

26. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the senate after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with observance of this rule.

SPECIAL FILE.

27. On the second day after the close of the recess provided ^{Special file.} for in section two, article four, of the constitution, the senate and assembly shall each adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock p.m. of each day, and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

Reports from One House to the Other as to Action on Bill.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER,
REQUIRES NOTICE.

28. When a bill or resolution which shall have passed one ^{Reports from} house is rejected by the other, notice thereof shall be given ^{one house} immediately to the house in which the same shall have passed. ^{to another.}

EACH HOUSE TO TRANSMIT PAPERS.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a senate message, or by the chief clerk, if it is an assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Passage and Enrolling of Bills.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

33. Each house shall act in the usual course upon all bills ^{Passing of} that may be made to take effect immediately, under the pro- ^{urgency} ^{measures.} visions of section one, article four, of the constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

Passage of
urgency
measures.

34. Upon the third reading of an act which is an urgency measure within the meaning of section one, article four of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

Passage of
bills in
final week
of session.

35. No senate bill shall be passed by the senate and no assembly bill shall be passed by the assembly within seven days of the time set for adjournment (*sine die*) of the two houses of the legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

ENROLLMENT OF BILL AFTER PASSAGE.

Enrollment.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill as passed in the two houses. It shall then receive the signatures provided for in joint rule thirty-seven, and be presented to the governor of the state.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

Presentation
to Governor.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed by the presiding officers of the two houses, and by the secretary of the senate and chief clerk of the assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

Amendments and Conferences.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Amendments.

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such

amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the chief clerk or assistant clerk of the assembly, as the case may be; *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

39. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or chief clerk shall notify the house making the amendments and the bill shall be ordered to enrollment. Concurrence
in amend-
ments.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

40. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the senate and assembly. Committee
on con-
ference.

COMMITTEE ON CONFERENCE.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

COMMITTEE ON FREE CONFERENCE.

Committee
on free
conference.

42. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed which shall consist of three members from each house to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

Report.

43. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Miscellaneous Provisions.

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the legislature.

PRESS RULES.

Press rules.

45. A person desiring recognition by the senate or assembly as a newspaper correspondent shall make application in writing to the president of the senate or speaker of the assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, co-partnership, corporation or interest and that he is not and will not become the agent or representative of any person, co-partnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the senate and the speaker of the assembly to assign one or more rooms for

the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the senate and speaker of the assembly.

ADJOURNMENT.

46. Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution; and the resolution for adjournment *sine die* shall be passed by both houses at least twenty-eight days before the date of such adjournment. Adjournment.

JOINT ADDRESS TO GOVERNOR.

47. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the assembly and a select committee of six members from each house appointed by the respective presiding officers. Joint address to governor.

DISPENSING WITH JOINT RULES.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as nonconcurring in or negatived. Dispensing with joint rules.

CHAPTER 42.

Assembly Joint Resolution No. 21—Relative to the trial and punishment of perpetrators of crime during the great war.

[Filed with Secretary of State April 22, 1919.]

WHEREAS, The time is past when men under the guise of war should be allowed to commit crimes or outrages with impunity; and

WHEREAS, Persons guilty of crimes and outrages against noncombatants and maltreatment of prisoners in time of war should be punished; and Trial and punishment of perpetrators of crime during great war.

Trial and
punishment
of perpe-
trators of
crime during
great war.

WHEREAS, Those who violate the provisions of international law should be punished in the same manner as ordinary criminals are punished; and

WHEREAS, Justice and law should be the same for rich and poor, king and subject, emperor and peasant; now, therefore, be it

Resolved by the assembly and senate, jointly, That it is the sense of the legislature of the State of California that those persons of whatever rank who are accused or suspected of committing or ordering or permitting to be committed crimes and outrages against noncombatants or maltreatment of prisoners or any violation whatsoever of international law during the great war should be brought to trial before an international tribunal; given an opportunity to employ such legal talent as they may desire to retain and be tried in accordance with universally-accepted principles of procedural law; and be it further

Resolved, That such persons, if found guilty, should be punished in accordance with the enormity of the crimes respectively committed by them and in accordance with the punishment that would be meted out to private citizens in time of peace in the several jurisdictions in which such crimes may have been committed; and be it further

Resolved, That copies of these resolutions be immediately transmitted by the chief clerk of the assembly to the president of the United States, the president of the senate, the speaker of the house and to each of California's senators and representatives in congress.

CHAPTER 43.

Senate Concurrent Resolution No. 18—Relative to approving two 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 a general municipal election held therein for that purpose on the third day of April, 1919.

[Filed with Secretary of State April 22, 1919.]

Pasadena
city charter
amendments.

WHEREAS, The city of Pasadena, in the county of Los Angeles, State of California, contains a population of over three thousand five hundred inhabitants and has been ever since the year 1901, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, 1900, and approved by the legislature of the State of California on the twenty-ninth day of January, 1901, (statutes of 1901, page 884); and

WHEREAS, The legislative body of said city, namely: The commission of said city of Pasadena, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolution adopted February 14, 1919, duly propose to the qualified electors of said city of Pasadena two amendments to the charter of said city, being therein designated as proposed charter amendments numbered one and two and by said resolution adopted as aforesaid, February 14, 1919, ordered that said proposed amendments be submitted to said qualified electors of the said city at the general municipal election to be held in said city on the third day of April, 1919, which date was and is after the six months next preceding a regular session of the legislature of the State of California, and before the final adjournment of such session;

Pasadena
city charter
amendments.

WHEREAS, Said proposed charter amendments numbered one and two were and each of them was, on February 15, 1919, as provided by law duly published in The Pasadena Star-News, a daily newspaper of general circulation in said city of Pasadena, and the newspaper designated by said council for that purpose and which said, The Pasadena Star-News, was and is the official newspaper of said city of said Pasadena, and said proposed amendments, and each of them were printed in convenient pamphlet form, and from February 15, 1919, to April 2, 1919, both inclusive, a notice was printed in the said The Pasadena Star-News that such copies could be had upon application therefor at the office of the city clerk of said city, and until the date fixed for the election hereinafter described; and

WHEREAS, Thereafter the said commission of said city did by ordinance designated as ordinance No. 1761, which was duly adopted on the twenty-first day of March, 1918, order the holding of the general municipal election in said city of Pasadena on the third day of April, 1919, which said date was more than forty days and less than sixty days after the completion of publication of said two proposed amendments as aforesaid, which said ordinance was published prior to the time appointed for the holding of said election, to wit: on March 22, 1919, in the said The Pasadena Star-News, a daily newspaper of said city; and said general municipal election was by said ordinance ordered and designated according to law, as the election in said city at which the said, two, proposed amendments to said city charter should be submitted to the qualified electors thereof; and

WHEREAS, The said general municipal election was held in said city of Pasadena on the third day of April, 1919, which day was more than forty days and less than sixty days after said proposed amendments to said charter had been published once in said The Pasadena Star-News, and which said election was held during a regular session of the legislature of the State of California, and before the final adjournment of such session, and at said election so held a majority of the electors

Pasadena
city charter
amendments.

voting thereon, voted in favor of and did ratify said proposed amendments submitted, thereat as aforesaid; and duly found, determined and declared a majority of such qualified electors of said city voting thereon had voted for and ratified the said proposed amendments to the charter of said city of Pasadena, to wit: proposed charter amendments, numbered one and two; and

WHEREAS, The said commission of said city of Pasadena did, on the fourth day of April, 1919, duly certify to the submission to the electors of said city of Pasadena of said two proposed amendments to said charter and to the ratification of said two proposed amendments and did further certify to a copy of said proposed amendments authenticated by the seal of the said city of Pasadena, which said certificate is in words and figures following, to wit:

State of California, }
County of Los Angeles, } ss:
City of Pasadena. }

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS
TO THE CHARTER OF THE CITY OF PASADENA.

Certificate.

The undersigned, A. L. Hamilton, T. D. Allin, W. F. Creller, H. F. Newell, and M. H. Salisbury, the governing body of said city of Pasadena, known and designated as the city commission of said city of Pasadena, and Heaman Dyer, city clerk of said city, do hereby certify as follows, to wit:

That the said city of Pasadena, in the county of Los Angeles, State of California, contains a population of over three thousand five hundred inhabitants and has been ever since the year 1901, and now is organized and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, 1900, and approved by the legislature of the State of California on the twenty-ninth day of January, 1901, (statutes of 1901, page 884).

That the commission of the city of Pasadena did, by legal order, adopted by the said city commission on the fourteenth day of February, 1919, 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 Pasadena, certain amendments to the charter of said city, to be submitted to the qualified electors at the general municipal election to be held in said city on the third day of April, 1919, which said amendments were and are in words and figures as follows, to wit:

That Article 6 of the present charter of the city of Pasadena be amended by adding thereto a new section to be numbered eleven (11) and to read as hereinafter set out.

ARTICLE 6.

Section 11. (a) There is hereby created a Fire and Police Pension Board of the City of Pasadena. The Chief of the Fire Department, the Chief of the Police Department, and three others, elected annually by secret written or printed ballots from the qualified members of said departments, shall constitute said Fire and Police Pension Board, and shall have charge and shall administer the Fire and Police Pension Fund and provide for the disbursement of the same and designate the beneficiaries thereof, as hereinafter provided.

Fire and
police pen-
sion board.

(b) The elective members of said Pension Board shall be chosen as follows: On the second Monday after this charter amendment becomes effective and annually thereafter on the first Monday in December in each calendar year an election shall be held at Fire Department Headquarters, between the hours of 9 A. M. and 7 P. M.; the qualified members of the Fire and Police Departments present at the hour of 9 A. M. on any such election day, shall organize by selecting from among themselves three qualified members as tellers, to conduct such election, receive, register and count the votes thereat and certify over their signatures the names of those selected to the City Clerk, who shall forthwith issue to each of said persons a certificate of election for the ensuing year and until their successors are elected and qualified over his official signature. Sufficient time shall be allowed each member of said departments to attend and vote at every such election. Said election shall be by secret ballots deposited in a ballot box, which shall remain closed from the time voting begins until the close of the election at 7 P. M., when it shall be opened and the votes therein immediately counted and tallied. All electors shall vote for three eligible persons upon one ballot, and ballots for a greater or lesser number than three eligible persons shall be wholly rejected and not counted. In determining the three selected, said tellers must certify; first, the name of that member of the fire department receiving thereat the largest number of votes of any member of the fire department; second, the name of that member of the police department receiving thereat the largest number of votes of any member of the police department; and third, the person receiving the largest number of votes at said election irrespective of departments except the first and second selections. No person shall be eligible for the election who has not at the time of his election served three years, or more as a member in either the fire or police departments. The said tellers shall serve without compensation.

Elective
members.

(c) Said Board shall organize by choosing one of the members as Chairman, and a Secretary. The Secretary shall perform such duties and keep such records as it may direct. Said Board shall make semi-annual reports in writing, in the months of December and June of each year, to the City Auditor of all moneys received and disbursed by it, together with a full and

Organization.

complete list of the beneficiaries of said fund and the amounts paid to each of them. The Board in the first instance shall organize on the second Monday after this amendment becomes effective and annually thereafter on the second Monday in each calendar year.

Retirement.

(d) Whenever any member of either Department, as defined in clause "n" hereof shall have served twenty (20) years or more in the aggregate in any capacity or rank whatever therein, and shall have attained the age of fifty-five (55) years, said Board may, upon his written request, or without such request if it be deemed for the good of the department where he serves, order and direct that such member be retired from further service in the department. From the date of making such order, or from the date such order becomes effective, the services of such member in the department shall cease and such member so retired shall thereafter during his lifetime, be paid a yearly pension equal to one-half the amount of the salary attached to the rank or position which he may have held in said department for the period of one year next preceding the date of such retirement. Such pension shall be payable in equal monthly installments. If any such person receiving such pension shall die leaving a widow or child, or children, a pension in a sum equal to one-third of the salary upon which the pension of said deceased pensioner was based shall be paid in equal portions to such widow during her lifetime, and to such child or children until such child or children have attained the age of sixteen; provided however, that such widow shall not be entitled to receive the benefit of such pension unless such pensioner and said widow were married at least one year prior to the granting of a pension to said pensioner; and provided, further, that if such widow, child or children shall marry, then upon such marriage, the pension paid to the person so marrying shall cease; and provided further that if such widow or children shall die, then the pension paid to such deceased person shall cease.

Physical disability through injury.

(e) Whenever any member of either department shall become physically disabled by reason of bodily injuries received in or by reason of illness caused by the discharge of his duty, or as a result thereof, the Board may if it sees fit order that such person be retired from further service. From the date of the making of such order the service of such person in his department shall cease, and such person so retired shall thereafter, during his lifetime, be paid a yearly pension equal to one-half the amount of the annual salary attached to the rank or position which he may have held in such department for the year immediately preceding the date of such retirement. Such pension shall be payable in equal monthly installments. If any such pensioner shall die, leaving a widow or child or children a pension, in a sum equal to one-third of the salary upon which the pension of said deceased pensioner was based shall be paid in equal portions to such widow during her life-

time and to such child or children until said child or children shall have attained the age of sixteen years; provided however, that such widow shall not be so entitled unless such pensioner and said widow were married at least one year prior to the granting of the pension to said pensioner; and provided, further, that if such widow, child or children shall marry or die the pension paid to the person so marrying or dying shall cease.

(f) Whenever any member of either department shall lose his life, while in the performance of his duty, or as the direct result of any injury received in the performance of his duty, shall die within one hundred (100) days therefrom, then upon proof of such facts, said Board shall order and direct that a yearly pension equal to one-third of the amount of the annual salary attached to the rank or position which he may have held in said department shall be paid in monthly installments, in equal portions, to his widow during her lifetime, and to his child or children until such child or children shall have attained the age of sixteen years; provided that if such widow, child or children shall marry or die then the pension paid to such person, dying or marrying shall cease.

Death while
in perform-
ance of
duty.

(g) No person shall be retired as provided in Clauses "e" and "f" hereof, or shall receive any benefits from said fund unless there shall have been filed with said Board prior to the granting of any such pension, certificates of disability on forms provided by said Board, which certificates shall be subscribed and sworn to by such person, the Police Surgeon of the city and two licensed practicing physicians of said city selected by the Board and the applicant respectively. All costs incurred by any applicant except for a physician employed by the City of Pasadena shall be paid by the applicant. Said Board may require other evidence of disability before granting any pension as aforesaid.

Certificates
of disability.

(h) Whenever any member of either department shall, after active service for the periods hereinafter set out, die from natural causes, then his widow, child or children, or his dependent father or mother, if there be no such widow, child or children shall receive from said fund an amount dependent upon the years of his service as fixed by the following schedule, to-wit:

Death from
natural
causes.

For service not exceeding two years.....	\$ 100.00
For two and not exceeding three years' service.....	200.00
For three and not exceeding four years' service.....	300.00
For four and not exceeding five years' service.....	400.00
For five and not exceeding six years' service.....	500.00
For six and not exceeding seven years' service.....	600.00
For seven and not exceeding eight years' service.....	700.00
For eight and not exceeding nine years' service.....	800.00
For nine and not exceeding ten years' service.....	900.00
For ten and any greater years' service.....	1000.00

Subject to
call for duty.

(i) Anyone retired for disability, as herein provided, other than under clause "d" hereof, may be summoned before said Board at any time thereafter, and shall submit himself for duty in his department, unless excused therefrom by said Board, and shall abide, in reference thereto, the decision and order of said Board.

Residence
outside of
state.

(j) Any member of either department receiving a pension under the provisions hereof, may, if, he so desires reside outside the State of California; provided, however, that any such pensioner retired other than under clause "d" hereof, may be summoned by said Board to appear before it and be examined as to fitness for duty in his department, subject to the decision and order of the Board. If any pensioner fails, neglects or refuses to abide by any such decision, or obey any such order, said Board may revoke the pension granted, and such person thereafter shall receive no benefit from said fund.

Pension may
be revoked
for cause.

(k) Whenever any person, otherwise entitled to receive any benefit from said fund shall be convicted of felony, shall become an habitual drunkard or shall disobey the orders or decisions of said Board, then said Board shall revoke the pension granted to such person and he shall thereafter receive no further pension, allowance or benefit under the terms hereof, unless such person be reinstated by said Board for good cause shown therefor.

Meetings
of board.

(l) Said Fire and Police Pension Board shall hold meetings on the second Monday in January, April, July and October in each calendar year, and upon the written call of its President, or three members thereof, (a majority of the members shall constitute a quorum and have power to transact business); it shall issue demands upon the City Treasurer, signed by its President and Secretary payable to the persons entitled thereto, on forms prescribed by the City Auditor, for the amount of money ordered paid to such persons as pensions; provided, that upon the written request of said Board from the duly appointed and qualified guardian of any pensioner such demand shall be made payable to such guardian. The said Board shall keep a public record of all its proceedings.

Examination
by police
surgeon.

(m) The Police Surgeon of the City of Pasadena shall make, without charge, such examination in accordance with the provisions of this ordinance as said Board may direct, and shall report to said Board in writing the result of any such examination. Said Board may in addition to such examination, require any person applying for or receiving any pension to be examined by any physician designated by it or by any physician employed by the city other than the Police Surgeon.

Persons
eligible for
pensions.

(n) That for the purposes hereof members of the Fire Department include the Chief, subordinate officers, firemen, and all persons duly and regularly appointed therein whose duty it is to prevent or extinguish fires in the City of Pasadena. The members of the Police Department include the Chief, subordinate officers, patrolmen, and all persons duly and regularly appointed therein whose duty it is to preserve

the peace to prevent injury to life and property or to suppress crime and disorder in the City of Pasadena. In both departments men selected serving or named to serve therein, full time, during some probationary or trial period, to become regular firemen or policemen at the termination of such probation or trial shall be members of their respective departments while so serving and from the time of beginning actual service for all the purposes hereof. All persons to whom said Board would be authorized to have granted pensions hereunder prior to the date this section becomes effective, had the same been hitherto in effect, shall be entitled to all the rights and privileges herein contained.

(o) Any pension granted to any member of said departments shall cease when such disability or incapacity as authorized it ceases, and the member restored to active service in his department at the salary he was receiving when retired. Return to active service.

(p) Whenever any member of either department shall lose his life, or die as result of injuries received while in or about the course of his duties, or any member shall die who shall have been retired, leaving surviving him any dependent for whom a pension is not provided herein, said Board may if it deems it necessary or expedient, provide temporary relief or a pension for such dependent in such an amount payable monthly and for such periods as it may decide necessary. Temporary relief for dependent.

(q) That for the purpose of providing and maintaining a fund to meet payments of demands drawn for the payment of pensions and the expenses of said Board as herein provided, a fund is hereby created to be known as Fire and Police Pension Fund. There shall be paid unto said Fire and Police Pension Fund the following money, to-wit: First: The officer or officers of the city charged with the duty of assessing, levying and collecting taxes shall annually hereafter assess, levy and collect against the general assessment roll of taxable property in said city a sum equal to four per centum of the total amount of salaries and wages of the members of said departments entitled to pensions as defined as in clause "n" hereof, as shown by the pay rolls of both departments; and provided further until said amount is first paid into said fund and at any time when said fund shall be less than four hundred (400) dollars, demands of the Fire and Police Pension Board, signed by its President and Secretary shall be paid out of the general fund of the city. If in any given three year period the average annual amount of demands and payments on account of said Fire and Police Pension Board shall be in excess of said four per centum, herein provided, then such amount shall be increased for the fourth year's assessment, levy and collection to an amount equal to one hundred ten (110) per centum of such average annual demands and payments. Fire and police pension fund

Second: All contributions and donations to the departments for services rendered by any member thereof, in money or its

equivalent, excepting donations to provide medals or permanent competitive award.

Third: All fines imposed in enforcing discipline in the departments and one-half of all fines imposed in the City Police Court for the violation of fire ordinances or of ordinances for the prevention of fires.

Fourth: All money or funds now or hereafter authorized to be collected or paid to either firemen or police pension funds under any law of this state now in force or hereafter enacted. It shall be the duty of the City Treasurer to apply for, collect and pay such money or funds into the Fire and Police Pension Fund.

Powers of board.

(r) The Fire and Police Pension Board in addition to powers here granted shall have power:

First: To compel witnesses to attend and testify before it upon all matters connected with the operation hereof in the same manner as is or may be provided by the charter for the taking of testimony, compelling the attendance of witnesses, and the president or any member of said Board may administer oaths or affirmation to such witnesses.

Second: If deemed advisable to appoint a Secretary outside its own membership and to provide from said fund for the payment of all the necessary expenses, including printing and compensation, not to exceed twenty-five (25) dollars monthly for the services of such Secretary; provided, that no emolument shall be paid any member of the Board for any duty required or services performed by him under this section. The Secretary shall furnish without charge necessary notarial work in connection with affidavits and pension petitions.

Third: By and with the concurrence of two of the elective members of said Board to elect a successor for the unexpired term of any of said three elective members of said Board in case of said member's death, resignation or other permanent disability. Said successor to be chosen from the same department as the dead, resigned or disabled member.

Fourth: To make all needful rules and regulations for its guidance in conformity with the provisions hereof.

Service outside of city.

(s) For the purposes hereof any member or members of said departments assigned to duty in departments of any other city for purposes of instruction and under agreement therewith, shall be deemed and held to be in all respects, aside from the question of rules and discipline and command as rendering such service in their respective departments in the City of Pasadena. Members of departments of other cities temporarily serving in departments in this city shall not be within the operation of this Section.

Intent of act.

(t) The intent hereof is to provide a sure, certain and reasonable pension for every fireman and policeman who shall give faithful service to the City of Pasadena and in the interpretation and administration hereof the Fire and Police Pension Board shall avoid all technicality and delay and interpret and administer the same in a broad, liberal and fair manner

to the end that qualified young men may seek to enter the departments, the growth of departmental morale and spirit be fostered and encouraged and the stability and experience of the entire departments insured. Any member of said departments after an aggregate service of ten years or more shall not be dismissed or discharged from his department without the right of appeal to said board.

Right of
appeal.

Said appeal shall be written and filed within thirty (30) days thereafter with the President or Secretary of said Board. Said Board within ten (10) days after receiving any such appeal shall give written notice thereof to the dismissing or discharging authority, which must within three (3) days thereafter serve said member appealing and said Board with a clear, succinct statement of the cause for such dismissal or discharge. It must not state said cause as being "for the good of the service," "subversive of discipline," "insubordination" or in like general terms but must state the facts. Unless the Board decides that the written statement states sufficient cause for dismissal or discharge the same shall be void and the member restored to his department. If the Board decides sufficient cause is stated, it shall within sixty (60) days of the date of dismissal or discharge appoint a date for trial which shall be conducted by it under the provisions of the Code of Civil Procedure of the State of California, relating to trials of issues of fact in civil cases. The Board shall sit as a Court to hear the same and the vote of three or more members shall be required for any decision, ruling or order. In case any official, Board or officers of the City shall fail, neglect or refuse to do within the time specified any act which he or they are herein charged to do, or in case said Board find that said statement fails to state sufficient cause or in case said Board finds the member not guilty under the statement, said member shall thereby be restored to all rights and privileges which he has lost by reason of such order of discharge or dismissal and the Chief of his said department shall forthwith cause him to resume his former position therein. The City Attorney shall be the legal adviser of the Board and shall attend all such trials and render any advice or assistance required of him by the Board thereat.

(u) All provisions of this Charter, ordinances of the City or parts thereof in contravention of the terms of this Section, or any part thereof, are hereby repealed and annulled.

Proposed Charter Amendment No. 2.

That Section 10 of Article 6 of the present charter of the City of Pasadena be amended to read as herein after set out.

ARTICLE 6.

Section 10. In the organization of the Fire Department the City Commission shall provide for a Chief, who shall devote his entire time to the discharge of the duties of his office, and

Duties of
chief of fire
department.

under the direction of the provisions of this charter and the ordinances of the city, have control of the officers and men employed in the Fire Department; shall have power to temporarily suspend any officer or employee of the department for conduct involving disobedience, insubordination or neglect, provided that he immediately notify the City Commission of such suspension in writing giving his reasons therefor, and thereupon the matter shall be in the hands of the Commission for hearing and action. The Chief, or other acting head of the department, shall divide the officers and men of the uniformed fire force into two or more working shifts or platoons, one to perform night service and the others to perform day service. In case the division is made into two platoons, the hours of day service shall not exceed ten, commencing at eight o'clock in the morning; the hours of night service shall not exceed fourteen, commencing at six o'clock in the afternoon, except that in cases of riot, serious conflagration or other such emergency, the Chief, Assistant Chief or other officer in charge, shall have power to assign all the members of the department to continuous duty, or to continue any member on duty if necessary. No member of either platoon shall be required to perform continuous day or continuous night service for a longer consecutive period than one week, nor to be kept on duty continuously longer than ten hours in the day, or fourteen hours in the night platoon, except in cases of riot, serious conflagration, or other such emergency as above provided. In case division is made into three platoons, eight hours to a platoon or shift shall be the limit of service, subject only to continuous service in emergency as herein before provided. In either division into two platoons or more than two, the same platoon or shift shall not be assigned the same hours of labor for two consecutive weeks, nor until all other platoons have served the same hours for one week prior to such reassignment. Time allowed for meals shall not be computed as part of the hours constituting service. The Chief is charged with the immediate enforcement hereof as well as all rules and regulations of the Commission relating to the Fire Department and its equipment, and shall be charged with the especial duty of superintending the extinguishment of fires, the protection of property thereby imperiled and the inspection of buildings and the contents thereof in the City of Pasadena, for the purpose of preventing fires and the spread thereof.

Hours of
service.

Minimum
salary.

Vacation.

No officer or member of the Fire Department shall be paid less than ninety (90) dollars monthly for his services and shall be entitled to at least one day off duty in every seven and an additional ten days' vacation in each calendar year. Provided always, that days off and vacation shall be subject to the right of the Chief or other officer to order all members to continuous duty during an emergency, as herein before provided; and provided further, that members assigned to duty under agreement therewith, shall during such assignment conform to and

be governed by the rules relating to discipline and command in such other department, although for all other purposes such service shall be held and deemed to be service in the Fire Department of the City of Pasadena. All provisions of this Charter in conflict herewith are hereby annulled and superseded hereby.

That thereafter the city commission of said city, by ordinance known as ordinance No. 1761, which was duly adopted on the twenty-first day of March, 1919, duly called a general municipal election in said city of Pasadena, and ordered submission of the said proposed amendments to the qualified electors of said city thereat, for the third day of April 1919, which said last mentioned date was more than forty days and less than sixty days after the publication of such proposed amendments in The Pasadena Star-News, a daily newspaper of general circulation, printed, published, and circulated in said city, and which is and was the official newspaper of said city of Pasadena, and said ordinance did specify the purpose and time of such election and establish the election precincts and designated the polling places therein and the names of the election officers for each such precincts and the form manner and style of submission of said proposed amendments thereat, which said ordinance was duly published once in said official newspaper, published and circulated in said city, to wit: The Pasadena Star-News, on March 22, 1919. Certificate.

That at such general municipal election, a majority of the qualified electors, voted in favor of the ratification and did ratify said proposed amendments numbered one and two.

That the city commission of said city of Pasadena at a regular meeting thereof, held on Monday, April 7, 1919, 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 said proposed amendments numbered one and two.

That we have compared the foregoing proposed and ratified amendments with the original ordinance proposing said amendments and find that they are correct.

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the city of Pasadena, this seventh day of April, 1919.

A. L. HAMILTON,
T. D. ALLIN,
W. F. CRELLER,
M. H. SALISBURY,
H. F. NEWELL,

The Commission of the City of Pasadena.

[SEAL.]

HEMAN DYER,

City Clerk of the City of Pasadena.

By BESSIE CHAMBERLAIN, Chief Deputy.

And

WHEREAS, The said two proposed amendments so ratified as hereinbefore set forth, have been duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the two proposed amendments to the city charter of the city of Pasadena, designated as proposed charter amendments, numbered one and two, herein above set forth, as presented and submitted to, and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole, for and as amendments to the city charter of the city of Pasadena.

CHAPTER 44.

Senate Concurrent Resolution No. 20—Relative to the death of Mrs. Phoebe Apperson Hearst.

[Filed with Secretary of State April 22, 1919.]

Memory of
Mrs. Phoebe
Apperson
Hearst.

WHEREAS, An all-wise Providence has summoned to immortality the gentle spirit of Mrs. Phoebe Apperson Hearst; and

WHEREAS, Mrs. Hearst, throughout a long and useful life, has won for herself the admiration, respect and love of the people of the State of California, by reason both of her personality and of her valuable services to the state; and

WHEREAS, In addition to her munificent gifts to the University of California, which for many years she had served as an honored regent, Mrs. Hearst has, through the medium of countless private benevolences lightened innumerable burdens and brought relief to many sorrowing hearts; and

WHEREAS, Her abiding faith in ambitious youth and her tender solicitude for the welfare of little children have found practical expression in the scholarships she founded and in the schools which she established and maintained at her own expense, to the lasting benefit of all the people; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring, That in the death of Mrs. Hearst the state has lost one of its most distinguished and best beloved citizens, whose character and services will endear her name to the people of this state for all the years to come; and be it further

Resolved, That when we do this day adjourn, such adjournment be taken in respect to the memory of Mrs. Hearst; and be it further

Resolved, That the secretary of the senate be and he is hereby authorized and directed to cause these resolutions to be suitably engrossed upon parchment, duly authenticated, and to transmit the same to the family of Mrs. Hearst; and be it further

Resolved, That the president of the senate appoint three of its members to join with a like number of the members of the assembly to attend the funeral of the late Mrs. Phoebe Apperson Hearst.

CHAPTER 45.

Senate Concurrent Resolution No. 23—Approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the nominating municipal election held therein on the fifteenth day of April, 1919.

[Filed with Secretary of State April 23, 1919.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of the said city of Oakland, as follows to wit:

Oakland city charter amendment.

STATE OF CALIFORNIA, }
 COUNTY OF ALAMEDA, } SS.
 CITY OF OAKLAND. }

We, the undersigned, John L. Davie, Mayor of the City of Oakland, State of California, and L. W. Cummings, City Clerk of said City, do hereby certify and declare as follows:

Certificate.

That the City of Oakland, a municipal corporation, in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the 1st day of July, 1911, and is now, organized, existing, and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 8th day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 15th day of February, 1911 (Statutes of 1911, p. 1551;)

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Oakland, being the legislative body of said City, by and in pursuance of Resolution No. 17882 N. S.,

passed by the said Council on the 3rd day of March, 1919, and by and in pursuance of Resolution No. 18,000 N. S., passed by said Council on the 25th day of March, 1919, duly submitted to the qualified electors of said City of Oakland a certain proposal for the amendment of the charter of said City, to be voted on by said qualified electors at the Nominating Municipal Election held in said City on the 15th day of April, 1919, which said proposal was and is in words and figures following, to-wit:

That a new section be added to and incorporated in said charter to be known as section 96½ and to read as follows:

Matrons in
Department
of Public
Health and
Safety.

Section 96½. There shall be employed in the Department of Public Health and Safety such number of matrons and substitute matrons of the City prison as the Council shall from time to time prescribe by ordinance, providing that such number of matrons shall be not less than three and that such number of substitute matrons shall be not less than one. The matrons and substitute matron holding positions under Ordinances Nos. 189 N. S. and 530 N. S. on January 17, 1919, shall be entitled to appointment by the Commissioner of Public Health and Safety to the first three positions of matron and the first position of substitute matron created hereunder. All other appointments of matrons and substitute matrons shall be made by the Commissioner of Public Health and Safety from the eligible list of the Civil Service Board. The compensation of said matrons shall be not less than \$960.00 per annum each for the first year of service, not less than \$1080.00

Salaries.

per annum each for the second year of service, and not less than \$1200.00 per annum each for the third and subsequent years of service. Such compensation shall be payable in equal monthly installments. The compensation of said substitute matrons shall be at the rate of not less than \$960.00 per annum each for the first year of actual service, not less than \$1080.00 per annum each for the second year of actual service and not less than \$1200.00 per annum each for the third and subsequent years of actual service, to be paid only for the time during which said substitute matrons shall actually perform the services of matrons. There shall be

Pension.

allowed to each of said matrons and substitute matrons, in addition to their compensation, the sum of \$2.00 per month for the Police Relief and Pension Fund, which said \$2.00 per month shall be retained by the Treasurer of the City of Oakland and forthwith paid by the City Treasurer into the said Police Relief and Pension Fund. Said matrons and substitute matrons shall be entitled as if officers or members of the Police Department to all of the rights, privileges and benefits conferred by sections 92, 92½, 93, 94, 95 and 96 of the charter upon officers or members of the Police Department. Each of the matrons holding position on January 17, 1919, shall be entitled to have the aggregate time of service rendered by her under all previous appointments added to and included with her time of service under the appointment to be made pur-

suant hereto in computing her years of service for the purpose of determining the rate of compensation to be paid to her hereunder and for the purpose of establishing her rights, privileges and benefits under sections 94 and 96. The substitute matron holding position on January 17, 1919, shall be entitled to have the aggregate time of actual service rendered by her under all previous appointments added to and included with her time of actual service under the appointment to be made pursuant hereto in computing her years of actual service for the purpose of determining the rate of compensation to be paid to her hereunder and for the purpose of establishing her rights, privileges and benefits under sections 94 and 96. Pension

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, in the "Oakland Enquirer," a daily newspaper of general circulation published in said City of Oakland and the official paper and newspaper of said City;

That copies of said proposed amendment were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Oakland Enquirer" that such copies could be had upon application therefor at the office of the City Clerk of the City of Oakland;

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described;

That the Council of the City of Oakland, the legislative body of said City, by its Resolution No. 18000 N.S., passed on the 25th day of March, 1919, did order the holding of the Nominating Municipal Election in said City of Oakland on the 15th day of April, 1919, said day being at least forty days after the completion of advertising of said proposed amendment in said official paper of said City, and not more than sixty days after the completion of such advertising, and did provide in said resolution for the submission of the proposed amendment to the charter to the qualified electors of said City for their ratification at such election;

That said election was duly called and held on the 15th day of April, 1919, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the charter of the City of Oakland hereinabove set forth;

That the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said City voting thereon had voted for and ratified said proposed amendment to said charter hereinabove set forth.

Oakland
city charter
amendment.

And we further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Oakland with the original proposal submitting the same to the electors of said City at an election held on the 15th day of April, 1919, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of said City of Oakland to be affixed hereto, this 18th day of April, 1919.

JOHN L. DAVIE

Mayor of the City of Oakland.

L. W. CUMMINGS

City Clerk of the City of Oakland.

WHEREAS, The said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration, in accordance with section eight of article eleven of the constitution of the State of California: now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That said amendment to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said city of Oakland.

CHAPTER 46.

Senate Constitutional Amendment No. 27—Resolution to propose to the people of the State of California an amendment to the constitution of said state, by adding to article sixteen thereof a new section to be numbered two, providing for the issuance of bonds to the amount of forty million dollars for the completion of the state highway system and the acquisition and construction of other state highways by the state department of engineering.

[Filed with Secretary of State April 26, 1919.]

[Adopted by the people at special election held July 1, 1919.]

See Ch. 93, p. 136.]

Constitutional
amendment.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its regular session, commencing on the sixth day of January, 1919, two-thirds of the members elected to each of the two houses of the said legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article sixteen thereof a new section to be numbered two, reading as follows:

Highway
bond issue.

SEC. 2. Immediately upon the adoption of this section the state treasurer shall prepare forty thousand suitable bonds of

the State of California in the denomination of one thousand dollars each, to be numbered from one to forty thousand inclusive, to bear a date not later than thirty days after said adoption and to bear interest at the rate of four and one-half per cent per annum from the date of said bonds, said interest to be payable on the third day of January and the third day of July of each and every year after the sale of said bonds, and said bonds to become due and payable in annual parcels of one thousand bonds, commencing July 3, 1926, and ending July 3, 1965.

The provisions of the act of the legislature approved May 20, 1915, known as the "state highways act of 1915,"^{Procedure.} relative to the signing, countersigning, endorsing and sealing of the bonds therein provided for and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and officers of their respective duties in connection therewith as therein stated, and all other provisions, terms and conditions in said last-named act relating to the bonds therein mentioned, so far as the same shall be pertinent, shall be applicable to the preparation, issuance and sale of the bonds herein provided for, as herein contemplated.

Funds corresponding to those provided for in said act are hereby created, and payments into and out of the same shall be made as in said act provided, said funds to be designated respectively, "third state highway fund," "third state highway interest and sinking fund," "third state highway revolving fund," and "third state highway sinking fund"; and the state treasurer shall on the first day of January, 1920, and on the first day of each July and the first day of each January thereafter transfer from the general fund to the "third state highway interest and sinking fund," and on the first day of July, 1926, and on the first day of July of each year thereafter, from the general fund to the "third state highway sinking fund." the required moneys as provided in section five of said act for the purposes therein stated but as applicable only to the bonds herein provided for and the interest thereon.

The moneys in said "third state highway fund" shall be used by the state department of engineering for the acquisition of rights of way for and the acquisition, construction and improvement of uncompleted portions of the system of state highways prescribed by the act of the legislature approved May 22, 1909, known as the "state highways act," and the act of the legislature approved May 20, 1915, and known as the "state highways act of 1915," and certain extensions thereof described in said last-named act, and also for the acquisition of the rights of way for and the acquisition, construction and improvement of the following additional highways as state highways: Barstow to Needles; Oxnard to San

Use of moneys in "third state highway fund."

Juan Capistrano; Barstow to Mojave; Santa Maria to Bakersfield; Skyline boulevard San Francisco to Santa Cruz; Rio Vista to Fairfield; Auburn to Verdi; Ukiah to Tahoe City; Crescent City to Oregon line; Santa Rosa to Shellville; Big Pine to Oasis; Placerville to Sportsman's Hall; Feather river route Oroville to Quincy; General Grant National Park to Kings river canyon; Calistoga to Lower Lake; Mecca to Blythe; Rumsey to Lower Lake; Azusa to Pine Flats in San Gabriel canyon; La Canada via Arroyo Seco to Mount Wilson road; Lancaster to Bailey's; Bakersfield via Walker's pass to Freeman; McDonald's to the mouth of the Navarro river; Carmel to San Simcon; Klamath river state highway bridge to coast state highway; Susanville to Nevada state line; Pacheco pass road into Hollister; Visalia to Sequoia Park line; Deep creek easterly via Bear Valley dam to the county road at Metcalf creek in the Angeles national forest; Orland to Chico; Tiburon to Alto; and county line near Michigan Bar via Huot's ranch to Drytown. Said additional highways to be located on the most direct and practical routes; *provided, however*, that twenty million dollars of the moneys in said "third state highway fund," or so much of said twenty million dollars as shall be necessary, shall be used for the completion of all of the system of state highways contemplated and provided for in said "state highways act" and in said "state highways act of 1915," and the extensions thereof specified in said last-named act.

Cost to be borne by state.

The cost of acquisition and construction of the several extensions described in said "state highways act of 1915" shall hereafter be entirely borne by the State of California, it being the intention hereof to relieve the several counties from any further co-operation as contemplated by said "state highways act of 1915," but nothing herein shall prevent any county from contributing towards the cost of said extensions or of any other state highways at its option to such extent as it may desire under the provisions of any existing laws.

Application of state highways act.

All provisions of section eight of said "state highways act of 1915," and of any amendment thereof, and any provisions of said act or of any amendment thereof, relating to the selection of routes, character of construction of highways, manner of conducting work thereon, powers and duties of officers in connection therewith, adoption of public highways as state highways, payment of principal and interest on any bonds and appropriation of money for payment thereof, and the keeping of records and making of statements and reports, and all provisions of section eight of the "state highways act," as amended May 19, 1915, and of section eight of the "state highways act of 1915," and of any amendment of either thereof, relating to the payment by counties of money for interest upon any bonds and the relief of counties from such payment, shall, so far as applicable, apply to the bonds herein authorized and all highways constructed hereunder.

All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action; and all expenses that shall be incurred by the state treasurer in the preparation of bonds herein provided for and in the advertising and sale thereof and all expenses incurred by any officer in reference thereto shall be paid from the general fund of the state. Nothing in this constitution contained shall be a limitation upon the provisions of this section.

Section to be self-executing

CHAPTER 47.

Senate Concurrent Resolution No. 6—Relative to the education of our youth for service in the American merchant marine.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, The growth and development of the American merchant marine prior to the civil war was without parallel in the history of commerce, our national maritime spirit was equal to every demand, American ships and American seamen were known in every port of the world, the United States was the mistress of the seas, manning her peerless clipper ships with her own sons and carrying more than ninety per cent of all national exports and imports in her own bottoms; and

Education for service in United States merchant marine.

WHEREAS, As the result of the civil war, the change from wood to iron, and our unpreparedness for that change either economically or politically, our country's proud merchant marine in a short period shrunk to only a shadow of her former self; and

WHEREAS, The events of the past few years have clearly proved that when national necessity sounded the clarion call to the sea our country, notwithstanding fifty dormant years, still had the necessary maritime genius and an abundance of the natural resources to found and maintain a great merchant marine; and

WHEREAS, History is emphatic in her teachings that no nation can ever hope to retain and successfully operate a great merchant marine without a virile national maritime spirit back of it, because a native seafaring population to man the ships has ever been as essential to national welfare as the ownership of vessels, for in the final analysis sea power is in the seamen; and

WHEREAS, The history of American seamanship is a glowing record of patriotism, courage and achievement unsurpassed by any people anywhere, no other calling demands a higher mental and physical standard in the men employed, none has given better service to civilization and to humanity, no occupation has a right to higher consideration or greater honor, for none has given more important service in peace and war; now therefore be it

Education
for service
in United
States mer-
chant marine.

Resolved by the senate, the assembly concurring, That we respectfully urge upon our state board of education to so arrange for special courses in history, geography and commercial studies generally so as to instill in the minds of our young men the conviction that the destiny of California and the United States is inseparable from the sea; also to create the basis for a thorough nautical education, to awaken an interest in foreign trade and inspire a genuine appreciation of our unlimited opportunities upon the seven seas; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the secretary of the senate to the president of the state board of education and to the state superintendent of public schools.

CHAPTER 48.

Senate Concurrent Resolution No. 14—Relative to the report of Adjutant General J. J. Borree showing the extensive participation of California high school cadets in the recent world's war and expressing legislative approval and appreciation of the splendid physical and military results obtained from military training in the high schools of California.

[Filed with Secretary of State April 26, 1919.]

Military
training in
high schools
commended.

WHEREAS, From reports furnished the adjutant general's office by the various high schools of the State of California, it is shown that from the month of September, 1911, when cadet training was first instituted in California high schools, to the month of September, 1917, one thousand six hundred fifty-five cadets completed their training; that of this number six hundred twenty-five cadets became of age up to and including September, 1918; that the reports further show that one thousand nine hundred six cadets entered the service during the war, indicating that a large percentage enlisted who were not yet twenty-one years of age and who had not yet completed their high school course; that the total number of cadets who had had training, or who were in training up to September 20, 1918, was seven thousand forty-five; that five thousand three hundred ninety of this number were then in the schools, and that a very large number of them were not old enough to enter the service, and it further appearing from said reports that there were one thousand four hundred sixty-five men from the cadets who entered the army, three hundred seventy-one who entered the navy, and sixty-one the marine corps, and that of this number, seventeen became ensigns in the navy, five entered West Point, four entered Annapolis, and there were commissioned in the United States army, one

colonel, eleven captains, forty-three first lieutenants, one hundred thirty-seven second lieutenants, one hundred nine sergeants, eighty-nine corporals, or a total of two hundred eighteen commissioned officers and one hundred ninety-eight noncommissioned officers; that four hundred sixteen men, or twenty-two per cent of the number of cadets entering our country's service, became officers; and

WHEREAS, Practically every boy who was old enough to enlist, that is eighteen years of age or over, entered the service, it demonstrates the physical value of military training, as nearly all of the cadets and former cadets who applied for admission to the service were accepted as being physically qualified, and it further demonstrates the fact that military training given in the schools was of value to them as individuals as well as of great value to the nation; now, therefore, be it

Physical
value of
military
training.

Resolved by the senate, the assembly concurring, That the legislature by resolution express its approval and appreciation of the splendid results obtained from military training in the high schools of California; and be it further

Resolved, That this body express to the schools of California its appreciation for the part they have played in providing for this military training, and that a copy of these resolutions be supplied to the adjutant general's office, with the request that the adjutant general by circular letter inform all the schools of this action.

CHAPTER 49.

Senate Concurrent Resolution No. 21—Relative to a legislative investigation of the problem of meeting the needs of and furnishing support for the schools and educational institutions of the state.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, The cost of maintenance of the educational system of this state forms the greater part of the public expense and is increasing year by year; and

Legislative
committee
to investi-
gate educa-
tional needs.

WHEREAS, The increased attendance at elementary schools and other institutions of learning presents to the people of the state a constant problem of increased support and ever broadening educational demands; and

WHEREAS, It is the policy of this state that schools and the means of education shall be encouraged, and is the desire of the citizens to afford to the children and young people of the state educational facilities of the highest order; and

WHEREAS, It is desirable that a sound, permanent and comprehensive system shall be devised and established by which the schools and other educational institutions of the state may be conducted; now, therefore, be it

Legislative committee to investigate educational needs.

Resolved by the senate, the assembly concurring, That three members of the senate shall be appointed by the president of the senate and three members of the assembly by the speaker of the assembly, who shall constitute a committee, whose duty it shall be to investigate the matters contained in these resolutions, and the plan of education in this state and the relations of schools, high schools, junior colleges, normal schools, technical schools, colleges and universities, and the cost of education, and to report their findings in full to the forty-fourth session of the legislature, and to make such recommendations in connection therewith as they deem of permanent benefit to the state; and be it further

Resolved, That the chief of the legislative counsel bureau be directed to act as secretary of said committee, that said committee shall have power to employ such assistance as may be necessary and that the expenses incurred in such investigation, not to exceed the sum of three thousand five hundred dollars, shall be paid equally by the senate and the assembly out of their respective contingent funds.

CHAPTER 50.

Senate Concurrent Resolution No. 22—Relative to approval of amendments to the charter of the city of San Diego.

[Filed with Secretary of State April 26, 1919.]

San Diego city charter amendments.

WHEREAS, The city of San Diego, in the county of San Diego, State of California, contains a population of over seventy-five thousand inhabitants and has been ever since the year 1889, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter on the sixteenth day of May, in the year 1889, duly approved by the legislature of the State of California; and

WHEREAS, The legislative body and authority of said city, being the common council thereof, did, on its own motion, by resolution passed and adopted by said common council on the twenty-fourth day of February, in the year 1919, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said the city of San Diego certain amendments to the charter of said the city of San Diego; and

WHEREAS, Said common council did, by resolution passed and adopted by said common council on the twenty-fourth day

of February, in the year 1919, proclaim and fix the eighth day of April, in the year 1919, as the date upon which all of said amendments so proposed by said common council of said the city of San Diego would be submitted to the qualified electors of said the city of San Diego; and

San Diego
city charter
amendments

WHEREAS, Said common council did, by resolution number twenty-four thousand three hundred forty-four, entitled, "A resolution proclaiming a general election, and submitting certain charter amendments and certain ordinances to the electors of the city of San Diego, California." which resolution was passed by said common council of said city on the tenth day of March, in the year 1919, call an election of the qualified electors of said city, to be holden in said city on the eighth day of April, in the year 1919, wherein and whereby said amendments were, in accordance with section eight of article eleven of the constitution of the State of California, duly submitted to the qualified electors of said city for their approval; and

WHEREAS, Said amendments proposed by said resolution of said common council of said the city of San Diego on the twenty-fourth day of February, in the year 1919, were, and each of them was on the twenty-fifth day of February, in the year 1919, and within fifteen days after the passage and adoption of said resolution of said common council of said the city of San Diego proposing said amendments, published once in the evening Tribune, the official paper of said the city of San Diego; and

WHEREAS, Said common council of said the city of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the twenty-fifth day of February, in the year 1919, until the eighth day of April, in the year 1919, being the date fixed for the election upon such charter amendments, did advertise in the evening Tribune, a paper of general circulation, published in said the city of San Diego, a notice that such copies of said amendments might be had upon application therefor at the office of the city clerk in the city hall of said city; and,

WHEREAS, Said election was held in said city on said eighth day of April, in the year 1919, being not less than forty and not more than sixty days after the completion of the advertisement of said amendments, and of each of them in the official paper of said the city of San Diego, being the evening Tribune; and,

WHEREAS, Said amendments were, pursuant to the terms of said resolution numbered twenty-four thousand three hundred forty-four, described and submitted to the qualified voters of said the city of San Diego, at said election held on the eighth day of April, in the year 1919, in manner and form as follows:

"Proposition I. Amend Section I of Chapter II of Article II of the City Charter, by adding subdivisions numbered 53 and 54.

San Diego
city charter
amendments.

This amendment authorizes the Common Council by ordinance to provide: (a) For the creation, employment and maintenance of a municipal band; and (b) To make and enforce all laws and regulations in respect to municipal affairs, subject to the limitations of the Charter."

"Proposition II. Amend Section 3, Chapter IX of Article V of the City Charter.

This amendment requires the Cemetery Commission, out of the funds realized from the sale of cemetery lots, to provide a sinking fund for the permanent upkeep of graves and lots in Mt. Hope Cemetery."

"Proposition III. Amend Section 2 (b) of Chapter I, Article VI, of the City Charter.

This amendment provides that in addition to all other taxes a tax of not less than six cents on each one hundred dollars valuation of property within the city be annually assessed for the purpose of supporting and maintaining the Public Library, and that in addition thereto said Library be allowed to retain and expend for its own use all fines collected under the rules and regulations of the Library."

"Proposition IV. Amend Chapter VIII of Article V of the City Charter. Amend Section 2, Chapter I, of Article II of the City Charter. Amend Article V of the City Charter, by adding a new Chapter thereto, to be known and numbered as Chapter I.

This amendment takes from the Manager of Operation all jurisdiction over the Harbor, the Purchasing Department, and that portion of the Water Department lying without the city, or used for conserving and impounding waters. It also creates a Harbor Commission, to have general jurisdiction of harbor affairs; a Purchasing Department, to have exclusive control of the purchasing of and contracting for all supplies and materials used or purchased by the City; and also creates a Water Commission, which is given exclusive control of the management, operation and development of the water system lying outside the city limits, or used for the impoundment or conservation of water;" and,

WHEREAS, On the fourteenth day of April, in the year 1919, being the first Monday following said election, at a regular meeting of said common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and said common council did thereby find and determine, and this legislature finds and determines, that those certain amendments proposed in said resolutions and submitted to the electors of said city, and designated in said resolution numbered twenty-four thousand three hundred forty-four, as proposition one; proposition two; proposition three; and proposition four, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendment; and,

WHEREAS, Said charter amendments, and each of them, so ratified by the qualified voters of said the city of San Diego at said election, are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, which amendments so ratified by the qualified electors of said city of San Diego, are in words as follows, to wit:

Amend Section 1 of Chapter II of Article II, of said Charter to read as follows:

“Section 1. Subject to the provisions, limitations, and restrictions in this Charter contained, the Common Council shall have power to pass ordinances: Powers of
Common
Council.

1. To make and enforce within the limits of said city all such local, police, sanitary and other laws and regulations as are not in conflict with the general laws or this Charter.

2. To regulate and control the use of the streets, sidewalks, highways, roads, and public places for any and all purposes; to prevent encroachments upon and obstructions to the same, and require the removal of any encroachments or obstructions thereon.

3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, all posts for the suspension of electric wires; for traffic and sale therein; for exhibiting banners, placards, or flags in or across the same, or from houses or other buildings, and for all other purposes.

4. To regulate the cleaning and sprinkling of the streets, sidewalks, and gutters, and prevent the depositing of ashes, offal, dirt, rubbish, or garbage in the same.

5. To regulate the opening of street surfaces for the laying of gas or water mains, of telegraph or telephone wires, for the building and repair of sewers; for the erection of gas or electric lights, or for any other use or purpose.

6. To regulate the numbering of houses and blocks and the naming of streets, public places and thoroughfares.

7. In relation to street beggars, vagrants and mendicants and the exhibition and distribution of advertisements or hand-bills along the streets or in public places.

8. In relation to intoxication, fighting, quarreling, and vulgar language in the streets and other places, and in relation to carrying concealed weapons.

9. In relation to the construction, maintenance, repair and removal of public fountains, for the use of persons and animals on the streets and in other public places.

10. To regulate public assemblages and processions.

11. To restrain and prevent any riot, mob, noise, disturbance or disorderly assembly or amusement, dangerous to persons or property in any street, house or place.

12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the

Powers of
Common
Council, city
of San Diego

sole purpose of excavating and filling in a street or portion of a street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.

13. To provide for lighting the streets, squares, parks, and public places, buildings and offices; and for inclosing, improving and regulating public grounds.

14. To establish fire districts and to determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

15. To prohibit, suppress, regulate, or exclude from the City or certain limits thereof all houses of ill fame, prostitution and gaming; to prohibit, suppress or exclude from the City, or certain limits thereof, all occupations, houses, places, pastimes, amusements, exhibitions and practices which are against good morals and contrary to public order and decency, or dangerous to public safety.

16. To regulate the manufacture, transportation, sale, disposition, storage, and use of fire arms, firecrackers, fireworks, petroleum, and all explosive and combustible material and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and factories using steam boilers, and all other manufactories, works, and occupations of every description that may affect the public safety, health or comfort, and to exclude them from certain limits.

17. To protect the health, comfort and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits hospitals, institutions, and places for the treatment of disease; or for the care of sick or insane persons; to regulate all noxious trades, and to restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said City; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

18. To authorize the establishment and maintenance of crematories, to regulate the same and to exclude them from certain limits.

19. To declare what shall constitute a nuisance, and to provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used

for the conveyance of merchandise, earth, or ballast; to prescribe the width of the tires of all vehicles and the weight to be carried by said vehicles; and to regulate drivers, carriers, runners and solicitors.

Powers of
Common
Council, city
of San Diego.

21. To regulate the construction, repair, care and use of markets and market places, and of places of public amusement and public assemblage.

22. To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps and sewers.

23. To provide a public pound, and poundkeeper with necessary assistants and to fix the salary for the poundkeeper or necessary assistants; to prescribe fines for the redemption of animals duly impounded and to provide for the collection of such fines and their payment into the treasury; to prevent animals from running at large and to provide for impounding and killing them when found running at large; to provide that all sums collected for dog licenses as well as all fines collected for the violation of humane laws affecting animals and all sums paid into the city treasury for the redemption of impounded animals shall be set aside as a special fund to be used in supporting and maintaining the public pound.

24. To provide suitable buildings, rooms, or accommodations for all courts, departments, boards, and officers, together with all necessary attendants, furniture, fuel, lights and stationery for the convenient transaction of business.

25. To provide and maintain a morgue.

26. To provide for places for the detention of witnesses separate and apart from places where criminals, or persons accused of public offense are imprisoned.

27. To regulate and provide for the employment on the streets and highways of said City of prisoners, and to make regulations requiring prisoners to be sentenced to such labor either in chain gang or elsewhere, as the Common Council may deem expedient; to establish, maintain, and regulate and change, discontinue and re-establish city jails, prisons, and houses of correction, and other places of detention, punishment, confinement and reformation.

28. To purchase or acquire by condemnation such property as may be needed for public use.

29. To adopt, enter into, and carry out means for securing a supply of water for the use of the city, or its inhabitants or for irrigating purposes therein, and along the line of its water supply.

30. To regulate the quality, capacity, and location of water and gas mains and fire plugs, and provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, and pumps and such other appliances as may be used in the distribution of water or gas in the streets, public places and public buildings.

31. To fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and to fix and determine

Powers of
Common
Council, city
of San Diego.

the maximum rate or compensation to be charged by any person, company or corporation for gas, electric, or other illuminating power in said City.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in this city for the use of water.

33. To regulate and impose a license tax upon public amusements, shows, and exhibitions, pawn brokers, and railroad passenger cars; upon the manufacture, sale, transportation or storage of any combustibles or explosives; upon astrologers and fortune tellers who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries and other games or amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business and places not prohibited by law, that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

35. To provide for the collection of licenses and municipal revenue, and fix the amount thereof, and to license for regulation or revenue hawkers, peddlers, pawnbrokers, auctioneers, and also lunch, refreshment, coffee or tamale counters, stands, booths, sheds or wagons when erected, located, placed, conducted, or doing business on any sidewalk, street, or alley in said city; also to license for regulation or revenue any other business or occupation conducted or carried on in the said City of San Diego.

36. To prescribe fines, forfeitures and penalties for the breach of any ordinance and for a violation of any provision of this charter, but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

37. To provide for the security, custody, and administration of all property of said City.

38. To make rules and regulations for the government of all servants, employees, officers, and departments, and to fix the fees and charges for all official services, and to fix salaries and wages not otherwise provided by general laws or by this Charter.

39. To allow and order paid out of the various funds provided by this Charter the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

40. To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To provide for the survey of streets and blocks of land within the limits of the city, and to declare such surveys official, and to compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official or otherwise dedicated.

42. To provide in the annual tax levy for a special fund to be used in the construction of a general system of sewerage and drainage for said City.

Powers of
Common
Council, city
of San Diego

43. To provide a common seal for said city, and from time to time to alter and change the same; and, also, to provide for seals for the several departments, boards, and officers of said City, and for the police court, and for altering and changing the same.

44. To open, close, straighten, or widen any street, road or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor, or injuriously affected thereby, upon the conditions and in the manner by law and in this charter provided; and in like manner to establish and change the grade of any street, road or highway. But no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph or telephone posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place or other public property.

45. To allow any railroad company or corporation to enter said city, and make its way to the water front at the most convenient point for public convenience; but no exclusive right, franchise, or privilege shall be granted to such railroad company; and the use of all such rights, privileges and franchises shall at all times be subject to regulation by the Common Council. Every ordinance granting such right, privilege or franchise shall be upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track, and also between the tracks, and for at least two feet on each side of the same, including switches, turnouts and side tracks, and that said company or corporation shall allow any railroad company or corporation to which a similar right, privilege or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Common Council may determine.

46. To make appropriations allowed by law or this charter; provided that appropriation of moneys out of public funds shall be made only by ordinance.

47. To provide for the execution of all trusts confided to said City.

48. (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 pueblo 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; and provided further, that if at any time it should be desired to lease any part or portion of such public lands prior to the year 1930, the leasing thereof

Powers of
Common
Council, city
of San Diego.

may be authorized by an ordinance duly passed by the Common Council provided that no lease so authorized shall be for a longer period of time than fifteen years. The Common Council shall levy annually, in addition to all other taxes provided for in this Charter, two cents on each one hundred dollars valuation of property for the purpose of improving said pueblo lands herein 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 after publication of 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.

49. To provide for the sale, at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said City.

50. To provide for the purchase of property levied on under execution in favor of said City; but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

51. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great or unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two-thirds of the members of said Common Council, and be approved by the Mayor. 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 to constitute a sinking fund for the payment of the principal thereof within forty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two-thirds of the qualified electors of said city, voting at an election held for that purpose.

52. The Common Council shall have charge, superintendence and control of all public work of every kind, where not otherwise provided for in this charter, to be done for the City, or for any board or department thereof, and also of the furnishing of all labor, work, materials, and supplies for said City. This charge, superintendence and control of public work shall be subject, however, to such ordinances as the Common Council may from time to time adopt.

53. To provide for the creation, employment and maintenance of a Municipal Band.

54. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter."

Amend Section 3, Chapter IX, of Article V of said Charter to read as follows:

“Section 3. Said Commission shall exercise a general supervision of the Cemeteries of the City, but their duties shall especially consist in the entire control and management of Mt. Hope Cemetery. Said Commission shall sell all lots and out of the proceeds thereof provide a sinking fund for the permanent upkeep of graves and lots. Said moneys shall be deposited with the City Treasurer. All other moneys coming into their hands as such Commission, shall be held in trust, to be expended as may be deemed advisable by them for maintaining, beautifying and improving said grounds.”

Amend Section 2 (b) of Chapter I, Article VI, of said Charter, to read as follows:

“Section 2 (b). The Common Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than six cents on each One Hundred Dollars valuation of property for the purpose of supporting and maintaining the Public Library. The Public Library shall also be allowed to retain and expend for its own use, all fines collected under the rules and regulations of said Library.”

Amend Chapter VIII, of Article V, of said Charter, to read as follows:

“Chapter VIII.—Of the Harbor and Wharves.

Section 1. There is hereby created a Harbor Commission, consisting of three members, who shall serve without compensation, and shall be appointed by the Mayor with the approval of the Common Council; one of the members shall be appointed for two years, one for three years, and one for four years from May 1, 1919. Thereafter the term of each member shall be for four years from May first of the year in which he shall be appointed, and he shall hold said office until his successor is appointed and qualified; said Commission shall have such office, clerical and other help as may be provided by ordinance; said Commission is vested with jurisdiction and authority to exercise, in the name of The City of San Diego, such powers as are prescribed by general laws now in force and hereafter enacted, together with such other powers and duties as may be prescribed by ordinance.

It shall be the duty of said Commission to co-operate with the Federal Government for the improvement and development of San Diego Harbor and foreign and domestic commerce.

Section 2. There is hereby created a fund to be known as the San Diego Harbor Fund, which Fund shall constitute a trust fund for the furtherance of navigation, commerce and fisheries, and all revenues derived from tide land leases and franchises, dockage, wharfage, crannage, warehouse or wharf

tolls and charges, and other income from the tide lands and harbor improvements shall be placed in said fund and shall be exclusively devoted to the purposes of said trust. Said Commission shall make recommendations to the Mayor and the Common Council from time to time in matters relating to said trust.

Harbor tolls and rentals.

Section 3. The Common Council shall, by ordinance, regulate and fix the tolls for wharfage, dockage and other harbor rental charges and provide for the regulation of berths and landing of water craft, and shall exercise such other control not herein specified in furtherance of commerce, navigation and fisheries as may be consistent with general laws."

Amend Section 2, Chapter I, of Article II, of said Charter, to read as follows:

Common Council.

"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. The term of office of members of the Common Council shall be four years.

Salaries.

(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.

Bonds

(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.

Powers.

(d) The Common Council shall have, possess and exercise all legislative, executive and judicial powers and functions relating to the administration of the affairs of said City, excepting such powers and functions as are distributed by the terms of this Charter among other departments.

Operating department.

(e) All executive and administrative powers relating or pertaining to Public Streets, Public Buildings, Sewer System, Water Distributing System, located within the territorial limits of The City of San Diego, and the Office of the City Engineer, shall be vested in the Department known as the Operating Department. The executive head of such Department shall be known as the Manager of Operation. Said Manager shall be subject to recall in the same method as provided in this Charter for the recall of elective officials.

Police department.

(f) The administrative functions now performed by the Police Department shall be vested in a department to be known as the Police Department. The executive head of such Department shall be known as the Superintendent or Chief of Police.

Fire department.

(g) The administrative functions of the Fire Department shall be vested in a department to be known as the Fire Department. The executive head of such department shall be known as the Superintendent or Chief Engineer of the Fire Department.

Purchasing department.

(h) There is hereby created an administrative department, to be known as the Purchasing Department, the executive head

thereof to be known as the Superintendent of the Purchasing Department, and all supplies used by the City shall be purchased in and through said Purchasing Department.

(i) All other executive and administrative powers now exercised by the Common Council shall by majority vote of the Common Council be assigned to these departments, or to such other executive department as the Council may hereafter create. The executive head of any such additional department shall be known as the Superintendent of such department. Heads of departments.

(j) The Common Council shall appoint the Manager of Operation and the Superintendents of the other departments: define the powers and duties of the Manager of Operation and Superintendents and fix their respective salaries and the salaries of their assistants. The Common Council may also remove such Manager of Operation and Superintendents, alter their powers or duties (except such as are prescribed in this Charter), or change their salaries. Such appointments and removals shall be confirmed by the Mayor, except that such confirmation shall not be necessary when the appointment or removal has been made upon a vote of four-fifths of the members of the Common Council. The Mayor shall have power to make temporary appointments of such Manager of Operation or Superintendents, pending the failure of the Council for a period of ten days to make such appointments. Officers appointed by Common Council.

(k) Such Manager of Operation and Superintendents shall be the executive heads of their respective departments, and shall appoint and remove their assistants and employees, subject to such Civil Service regulations as this Charter may provide, except that the provisions now contained in the Peoples' Ordinance No. 4979, and entitled, "An Ordinance reorganizing the San Diego Fire Department and providing for a Fireman's Relief and Pension Fund," shall continue in full force and effect. The appointment of members of the Fire Department and of the Police Department shall be confirmed by the Common Council. Assistants appointed by heads of departments.

(l) The Common Council shall within five days after this amendment goes into effect create the administrative departments as herein provided, and shall thereafter, as soon as practicable, appoint the Manager of Operation and Superintendent of each Department. Administrative department.

(m) The Common Council shall appoint by majority vote a City Attorney and City Clerk." Appointment of city attorney and city clerk.

Amend Article V of said Charter, by adding a new Chapter thereto, to be known and numbered as Chapter I.

"CHAPTER I.

WATER DEVELOPMENT DEPARTMENT.

Section 1. There is hereby created a Board of Water Commissioners, consisting of three members, who shall be appointed by the Mayor, subject to the confirmation of the Common Council. No person shall be appointed a water Commissioner Board of Water Commissioners.

who shall not have been an elector of The City of San Diego for at least five years next preceeding his appointment. Vacancies shall be filled in the same manner as original appointments.

Term of office.

Section 2. The term of office of the Commissioners shall be six years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of two, four and six years. The Commissioners shall serve without pay.

Organization.

Section 3. The Commission shall organize by electing one of their members President, who shall hold office for two years. The Board may appoint a Secretary, who shall perform such duties as the Board may prescribe. The Board shall meet at least once a month, and as often as the business of the Department may require. Special meetings may be held at such times as the Board may appoint, or of which the President or a majority of the Board may give notice. All its meetings shall be public.

Powers and duties.

Section 4. The Board of Water Commissioners shall have exclusive charge and supervision of the conservation and impounding of water by said City and of the water, water rights, water works, water impoundment system, and other properties of said City used in the development of said water impounding system.

Section 5. The Board shall organize the Department, prescribe the number and duties of the officers, members and employees of the Department, have control of all the property and equipment of the Department, and exercise full power and authority over all appropriations made for the use of the Department.

Report.

The Board shall prepare a full report of the operation of the Water Development Department annually in the month of January. One copy of such report shall be filed with the Mayor, one copy with the Common Council, and one copy with the Secretary of the Board.

The Commission shall have such additional powers and duties as the Common Council may by ordinance confer upon it.

Appointment of officers and employees.

Section 6. Said Board shall fix the salaries of, and appoint and remove at pleasure, such officers and employees as the Board may deem necessary for the care, control, management and improvement of said water system, and the operation of said Water Department: provided, however, that such appointment or removal shall be in the manner provided by the Civil Service regulations of said City.

Water development fund.

Section 7. There is hereby created in the City Treasury a Water Development Fund. Said Fund shall consist of not less than twenty-five per centum of the gross receipts derived from the sale of water by The City of San Diego, and of such other moneys as may be transferred into said fund. Said fund shall be used for the management, maintenance and development of the water development system."

State of California, }
 City of San Diego. } ss.

This is to certify that we, LOUIS J. WILDE Mayor of the City of San Diego, and ALLEN H. WRIGHT City Clerk of said city, have compared the foregoing proposed and ratified amendments to the charter of the City of San Diego with the original proposals submitting the same to the electors of the said city at a special election held on the eighth day of April, one thousand nine hundred nineteen, and find that the foregoing is a full, true, correct and exact copy thereof; and we further certify that the facts set forth in the preambles preceding said amendments to said charter are and each of them is true. Certificate.

IN WITNESS WHEREOF, we have herewith set our hands and caused the same to be authenticated by the seal of said City of San Diego this sixteenth day of April, one thousand nine hundred nineteen.

[SEAL]

LOUIS J. WILDE,
 Mayor of City of San Diego,
 ALLEN H. WRIGHT,
 City Clerk of the City of San
 Diego.

WHEREAS, The said proposed amendments are now submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of said state; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein. That said amendments to the said charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of, the charter of said the city of San Diego. Approval by legislature.

CHAPTER 51.

Senate Concurrent Resolution No. 24—Relative to Ina Coolbrith of San Francisco, California, being given the honorary title of The Loved Laurel Crowned Poet of California.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, Ina Coolbrith of San Francisco, California, has brought prominently to the attention of the world the glories Ina Coolbrith honored.

Ina Coolbrith
honored.

and beauties of California's fruits and flowers, its climate, its scenery, its wealth and possibilities, through her many brilliant poems, and has contributed to the high standing of our literature, thereby winning the admiration and gratitude of all loyal Californians, and is truly deserving of our most favorable recognition and mention; therefore, be it

Resolved by the senate, the assembly concurring, That Ina Coolbrith be hereby recognized and given the honorary title of The Loved Laurel Crowned Poet of California.

CHAPTER 52.

Senate Joint Resolution No. 36—Relative to the holding of an international peace jubilee celebration at Balboa Park in the city of San Diego in the year 1920.

[Filed with Secretary of State April 26, 1919.]

International
peace jubilee
celebration
at San Diego.

WHEREAS, Hostilities in the world war have ceased; and

WHEREAS, The termination of the world war should be fittingly celebrated; and

WHEREAS, The board of park commissioners of the city of San Diego have by resolution tendered the free use of Balboa Park and all its buildings to the State of California, the United States government, and the world, for the place in which to hold an international peace jubilee celebration in the year 1920; and

WHEREAS, Balboa Park, in which was held the International Panama-California exposition during the years 1915 and 1916, and in which thousands of soldiers, sailors and marines were quartered and trained during the war, is eminently well equipped by virtue of its beautiful and spacious buildings and grounds for the fitting celebration of international peace; now, therefore, be it

Resolved by the senate and the assembly, jointly, That the legislature of the State of California hereby endorses and recommends the holding of an international peace jubilee celebration at Balboa Park in the year 1920; and be it further

Resolved, That the governor of the State of California be and he is hereby authorized and directed to appoint a committee of five members, who, at their own expense, shall present to the congress of the United States the matter of the holding of an international peace jubilee celebration in the year 1920, tendering the use of said Balboa Park for this purpose; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to transmit copies of these resolutions to each of California's senators and representatives in congress.

CHAPTER 53.

Assembly Concurrent Resolution No. 24—Relative to the revision of street improvement laws of California.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, There is considerable public criticism uttered against the manner in which various statutes of this state operate in respect to the equitability of the distribution of the cost of local state improvements; and

Revision of street improvement laws by legislative counsel.

WHEREAS, Justice requires that such cost be assessed against the property affected in direct proportion to the benefits received, so far as it is possible to fix and determine; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislative counsel be and he is hereby instructed to investigate the laws relating to street improvements and assessments therefor, and to report thereon and to recommend some feasible and practicable plan not subject to the criticisms now justly made against the existing scheme of special assessment districts.

CHAPTER 54.

Assembly Joint Resolution No. 26—Relative to the placing of a cannon captured from Germany or her allies, at the National Home for Disabled Soldiers at Sawtelle, and also at the State Veterans' Home at Yountville, as a lasting monument to the defenders of our country.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, By their unselfish sacrifice and heroic action on the battlefield in Europe, the soldiers, sailors and marines of the United States have so ably defended their country's honor and have won a glorious victory over Germany and her allies; and

Placing of cannon captured from Germany.

WHEREAS, There is, in the State of California, the National Home for Disabled Volunteer Soldiers located at Sawtelle, and the State Veterans' Home, located at Yountville; and

WHEREAS, These homes are occupied, at the present time, by veterans of the Civil war and the Spanish-American war, who although just as patriotic during the recent war with Germany and her allies as in the war in which they served, yet by reason of age, infirmity, or disability incurred while serving their country in former wars, were not able to enlist in the war against Germany and her allies and go to the front; and

WHEREAS, These said veterans' homes will be open, and they will welcome veterans of the war with Germany and her allies,

Placing
of cannon
captured
from
Germany.

in the event these veterans shall ever be in need of such a home; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California urges as signally appropriate, and as a tribute to these veterans of the Civil war, the Spanish-American war, and the war with Germany and her allies, that a captured enemy cannon from Germany or her allies be placed at the National Home for Disabled Volunteer Soldiers at Sawtelle, and also at the State Veterans' Home at Yountville, as a permanent and fitting monument to the fighting skill, courage, and patriotism of the war heroes of the United States who have so bravely, determinedly and successfully carried the United States to victory in the Civil war, the Spanish-American war and the war with Germany and her allies; and be it further

Resolved, That secretary of the navy, honorable Josephus Daniels, and secretary of war, honorable Newton D. Baker, be respectfully urged to comply with this request; and be it further

Resolved, That the chief clerk of the assembly be and he is hereby directed to forward copies of this resolution to honorable Josephus Daniels, secretary of the navy, and honorable Newton D. Baker, secretary of war, and also to each of California's senators and representatives in congress, with the request that each use his very best endeavor to secure one of these captured enemy cannon for each of the veterans' homes, as set forth in this resolution.

CHAPTER 55.

Assembly Joint Resolution No. 27—Relative to the immigration of aliens into the United States.

[Filed with Secretary of State April 26, 1910.]

Changes in
immigration
laws.

WHEREAS, It is the sense of this legislature that the future peace of the United States of America could be best secured by changing our immigration laws so that no alien can enter the United States without presenting to the proper authorities a certificate from his own government showing that he is and has been a good, moral, and law abiding citizen of said country and that he be required upon entering the United States to take an oath that he will support the government of the United States and that he will report at least once in six months to proper United States authorities showing by the testimony of two reputable citizens of the United States that he has complied with the terms of the oath taken upon his entry into this country; and

WHEREAS, It is also the sense of this legislature that the naturalization laws of our country should be so changed that every person who, after taking his first naturalization papers, claims exemption from military duty on the ground that he is

not a citizen of the United States, that such person be returned to the country of his nativity, no matter how many years he has been a resident of the United States; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California respectfully memorializes the congress of the United States to make such changes in the immigration laws as will carry out the matters suggested in this resolution; and be it further

Resolved, That the chief clerk of the assembly be and is hereby instructed to forward a copy of this resolution to the president of the United States senate, the speaker of the house of representatives and to each of our senators and representatives in the congress from this state.

CHAPTER 56.

Assembly Joint Resolution No. 28—Relative to the return of the Twenty-Third Engineers from France.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, The Twenty-third Engineers is one of the largest regiments organized in this country, all of the members of which voluntarily enlisted some eighteen months ago and immediately went overseas; and

Return of
Twenty-third
Engineers
from France.

WHEREAS, A considerable number of the members of this regiment are Californians, specially trained in highway construction work; and

WHEREAS, There is urgent need of experienced highway engineers and employment in this state is now available for them; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California hereby respectfully memorializes the President of the United States and the secretary of war to authorize and provide for the return from France and the discharge from military service of the Twenty-third Engineers at the earliest possible date; and be it further

Resolved, That the chief clerk of the assembly be and he is hereby instructed to forward a copy of these resolutions to the secretary of war and to the private secretary to the President of the United States.

CHAPTER 57.

Assembly Concurrent Resolution No. 28—Relative to the death of Henry Morse Stephens.

[Filed with Secretary of State April 26, 1919.]

WHEREAS, Henry Morse Stephens, who has long been recognized as one of the most distinguished historians of our time,

Memory of
Henry Morse
Stephens.

Memory of
Henry Morse
Stephens.

has been summoned from his post at the University of California to the higher service; and

WHEREAS, Professor Stephens throughout a long period of service at the University of California, has endeared himself not only to those who are enrolled as students in the University but to great numbers of people who attended his lectures, delivered all over the State of California; now, therefore, be it

Resolved, by the assembly of the State of California, the senate concurring, That in the death of Professor Stephens the state has sustained irreparable loss; and be it further

Resolved, That when the assembly and senate do this day adjourn that such adjournment be in respect to the memory of Professor Stephens; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby authorized and directed to cause these resolutions to be suitably engrossed upon parchment, duly authenticated, and to transmit the same to the University of California.

CHAPTER 58.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section twenty-two of article four, relating to the expenditure of public money in state aid.

[Filed with Secretary of State May 6, 1910.]

Constitutional
amendment.

The legislature of the State of California, at its forty-third regular session, commencing the sixth day of January, 1910, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section twenty-two of article four of the constitution of the State of California be amended to read as follows:

Appropriations to
private institutions
prohibited.

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the state as a state institution, nor shall any grant or donation of property ever be made thereto by the state; *provided*, that notwithstanding anything

Orphan aid.

contained in this or any other section of the constitution, the legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, or aged persons in

Aid when
father
incapacitated
for work.

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 institutions; *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 children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the legislature; *provided, however*, that for the purpose of raising five million dollars, to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama-Pacific international exposition, the state board of equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the state, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred fifty thousand dollars. The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the first day of July, 1910, and in the same manner, and by the same method, as other state taxes were levied, assessed, and collected under the law, as the same existed on the first day of July, 1910. The state board of equalization shall each year, at the time it determines the amount of revenue required for other state purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama-Pacific international exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance and support of said Panama-Pacific international exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific international exposition, or against any property used

Tax levy for
Panama-
Pacific
International
Exposition.

Panama-
Pacific
International
Exposition
Fund.

as exhibit therein, while being used or exhibited in connection therewith.

Panama-
Pacific
International
Exposition
commission.

There is hereby created a commission to be known as the Panama-Pacific international exposition commission of the State of California, which shall consist of the governor of said state and four other members to be appointed by the governor, by and with the advice and consent of the senate of said state. The governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the state, and the appointment thereof shall be made by the governor of the state during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific international exposition fund; *and provided, further*, that the legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the state treasury by said commission: where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California, of any portion of said Panama-Pacific international exposition fund unused.

Contracts
authorized.

The commission herein created is authorized and directed to make such proper contract with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the twenty-second day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific international exposition in the returns from the holding of said exposition at the city and county of San Francisco.

CHAPTER 59.

Senate Concurrent Resolution No. 12—Relative to leaves of absence of the governor, lieutenant governor and the members of the senate and assembly of the forty-third session of the legislature of the State of California.

[Filed with Secretary of State May 6, 1919.]

Leaves of
absence.

Resolved by the senate, the assembly concurring, That leave of absence from the State of California for a longer period

than sixty days, during their term of office, is hereby granted Leaves of absence. to his excellency, William D. Stephens, governor of the State of California; to C. C. Young, lieutenant governor of the State of California; and to the following members of the senate and assembly of the forty-third session of the legislature of the State of California:

Senators A. P. Anderson, Frank H. Benson, Frank S. Boggs, Arthur H. Breed, William E. Brown, Lester G. Burnett, Victor J. Canepa, Frank M. Carr, William J. Carr, Harry A. Chamberlin, John J. Crowley, L. L. Dennett, W. E. Duncan, Jr., S. C. Evans, Lawrence J. Flaherty, Egbert J. Gates, M. B. Harris, Dwight H. Hart, Thomas Ingram, J. M. Inman, J. L. C. Irwin, M. B. Johnson, Herbert C. Jones, William Kehoe, Lyman M. King, Charles W. Lyon, Walter A. McDonald, James C. Nealon, Edwin M. Otis, Claude F. Purkitt, E. S. Rigdon, Joseph A. Rominger, Benjamin F. Rush, E. P. Sample, William S. Scott, Will R. Sharkey, W. B. Shearer, Herbert W. Slater, J. R. Thompson, H. H. Yonkin.

Assemblymen Crombie Allen, Thos. L. Ambrose, Frank W. Anderson, J. M. Argabrite, John B. Badaracco, Edwin Baker, Grant R. Bennett, Elmer P. Bromley, Clifton E. Brooks, Esto B. Broughton, J. Stanley Brown, Morris B. Brown, Bismark Bruck, Wm. E. Calahan, Henry E. Carter, Charles W. Cleary, Wm. N. Collins, Frank J. Cummings, W. A. Doran, Mrs. Grace S. Dorris, Geo. M. Easton, Walter Eden, Frank L. Ekward, Alexander P. Fleming, Lee Gebhart, Chas. W. Godsil, Chas. W. Goetting, Sidney T. Graves, Leon E. Gray, Carlton W. Green, Fred C. Hawes, Oscar W. Hilton, Mrs. Elizabeth Hughes, Edgar S. Hurley, J. W. Johnston, Charles Kasch, W. J. Kenney, Chester M. Kline, Samuel Knight, Charles Lamb, Ed. Lewis, Fred E. Lindley, William J. Locke, George A. Lynch, Charles J. McColgan, C. C. McCray, B. W. McKeen, Robert Madison, J. E. Manning, William J. Martin, Franklin D. Mather, A. J. Mathews, Frank F. Merriam, David W. Miller, Henry A. Miller, Thomas A. Mitchell, Clarence W. Morris, Harry F. Morrison, W. C. Oakley, Oscar L. Odale, Ivan H. Parker, Melvin Pettit, Harry Polsley, Nicholas Prendergast, C. S. Price, H. B. Ream, Frederick M. Roberts, J. Leonard Rose, Albert A. Rosenshine, Mrs. Anna L. Saylor, A. S. Stevens, S. L. Strother, C. P. Vicini, Geo. W. Warren, Arthur A. Wendering, John Robert White, Jr., Geo. R. Wickham, Guy Windrem, H. W. Wright, T. M. Wright.

CHAPTER 60.

Senate Concurrent Resolution No. 13—Relative to the recognition of Ella Sterling Mighels as first historian of literary California.

[Filed with Secretary of State May 6, 1919.]

WHEREAS, In the sixties of the last century, when California Ella Sterling Mighels honored. was still young and unsettled and every energy seemed devoted

Ella Sterling
Mighels
honored.

to wresting the precious gold from its earthen receptacle, there came an outburst of literary glory whose flowering astonished the world and added new lustre to the fame of California; and

WHEREAS, The miners' tales of Bret Harte, the scintillating humor of Mark Twain, the sweet music of Ina Coolbrith, the pen paintings of Charles Warren Stoddard, the Sierran songs of Joaquin Miller, the scorching satire of Ambrose Bierce, have added lasting riches to the treasure-house of English literature; and

WHEREAS, The stirring epics of Frank Norris, the historic romances of Gertrude Atherton, the rugged stories of Jack London and the work of the fine array of present day poets and prose writers have continued to uphold these first traditions of the golden age of California literature; and

WHEREAS, Recognizing the need for a worthy and undying record of this fertile output of literary wealth, Ella Sterling Mighels, by a labor of years and of love, has preserved in "The Story of the Files" the story of these great California writers and has supplemented this work in "Literary California" by giving choice extracts from their works; therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, That Ella Sterling Mighels, in recognition of her unselfish service in thus preserving for posterity the historical record of these literary achievements, be and is hereby named and honored as first historian of literary California.

CHAPTER 61.

Senate Concurrent Resolution No. 17—Relative to special legislative committee for investigation of the finances of the state.

[Filed with Secretary of State May 6, 1919.]

Legislative
committee to
investigate
state
finances.

WHEREAS, The forty-third session of the California legislature finds the state facing a critical financial situation, due to the fact that revenues are insufficient to meet the legitimate demands arising especially from the educational and humanitarian departments of the commonwealth; and

WHEREAS, Appropriations absolutely essential to the support of state institutions as shown by the report of the budget board, together with the increases vital to the life of the elementary schools and the proper sustenance of the orphans thrown upon the charity of the state government, are of such proportions as to impair the surplus account of the state treasury to the extent that the amount carried in such fund as an insurance against catastrophes or other emergencies will be so small as to be dangerous; therefore, be it

Resolved, by the senate, the assembly concurring, That a legislative committee consisting of two members of the senate to be named by the president of the senate, and two members of the assembly to be named by the speaker of the assembly, be appointed to investigate during the coming two years, and to report to the legislature in the month of January, 1921, with recommendations as to action, on matters governing the subject of revenue and taxation in the State of California broadly outlined as follows, and on such additional lines as it may deem wise, as a result of its investigations:

Legislative committee to investigate state finances.

1. As to increasing revenue as derived from present sources of taxation, having in mind the urgent need of equitable methods so that the burden of taxation will fall according to the benefits received, and particularly as to the burden between general property and corporation property.

2. The uncovering of sources of revenue now taxable but escaping taxation, if any there be.

3. As to the taxation of general property (a) as needed to provide further and necessary revenue for the support of the state government, and (b) the wisdom of such taxation aside from a strictly revenue point of view, in order that the people may feel the burden of the cost of state government directly.

4. As to the burden of taxation under our present state system as between small corporations and large corporations; also the double taxation of corporations under the existing system.

5. Recommendations as to new sources of revenue.

This legislative committee shall be empowered to call upon all departments of the state government for co-operation and assistance, particularly the state board of equalization, the state board of control and the state controller.

The board of equalization is charged particularly with the duty of collecting data as to the ratio of assessed to true value under the ad valorem system in vogue in the counties, and such other data and information as the legislative committee may direct it to secure for the use of said committee in determining the burden of taxation as between general property and corporation property, and such other purposes as it may have in mind.

Members of the legislative committee shall receive no compensation for their services but shall receive actual and necessary traveling expenses.

The committee shall hold hearings in Sacramento, San Francisco, Los Angeles and such other places as it may deem necessary in order to fully carry out its investigations.

For the purposes of enabling the legislative committee to perform the task assigned to it by this resolution there is set aside from the contingent fund of the senate one thousand five hundred dollars, and from the contingent fund of the assembly one thousand five hundred dollars; *provided*, that only so much of said funds shall be expended, as is necessary, in equal amounts from said funds.

CHAPTER 62.

Senate Concurrent Resolution No. 19—Relative to the leasing of land to persons ineligible to citizenship.

[Filed with Secretary of State May 6, 1919.]

Investigation relating to leasing of lands to aliens.

WHEREAS, The number of leases being made to aliens who are ineligible to citizenship is growing, and numerous extensive farming districts and agricultural industries in this state are already under the control of such aliens; now, therefore, be it

Resolved by the senate, the assembly concurring. That the legislature of the State of California hereby authorizes and directs the state board of control to investigate the matters mentioned in this resolution and in the recitals thereof, with particular reference to ascertaining the identity of the persons who lease lands to orientals and the terms of such leases, what crops are grown on such lands and whether or not these lands could or would be cultivated as profitably by native citizens and by persons eligible to become citizens of these United States; and be it further

Resolved. That the board of control is further instructed to communicate with the various county assessors and recorders in this state for the purpose of securing the information in regard to the matters under investigation by the board; and be it further

Resolved. That the board of control shall report their findings in full to the legislature at the beginning of the forty-fourth session.

CHAPTER 63.

Senate Joint Resolution No. 19—Relating to the exclusion of enemy-aliens from business enterprises.

[Filed with Secretary of State May 6, 1919.]

Exclusion of enemy-aliens from business enterprises.

WHEREAS, Instances have occurred during the recent great world war where citizens of the United States of America, called to the colors, were thus compelled to discontinue the business in which they were theretofore engaged; while others, who were exempt from service to the country by reason of their being enemy aliens, were permitted to continue in business and enjoy the advantages thereof; and

WHEREAS, It is but fair that neither those of our citizens who went forth to render heroic service and sacrifice, nor they who, if permitted to serve, would gladly have welcomed the country's call, should be at any disadvantage or suffer by

reason of the existence in the field of business of competitors who were not obliged to yield equal service with our fellow countrymen when the ravages of war were upon us; now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That our representatives in congress be and are hereby memorialized to use their best efforts to the end that a federal statute be enacted prohibiting enemy aliens from engaging in or conducting business of any kind whatever.

CHAPTER 64.

Senate Joint Resolution No. 32—Relative to the assigning of the United States ship Hartford, or some available vessel, to the nautical training school at the port of San Francisco, California.

[Filed with Secretary of State May 6, 1919.]

WHEREAS, The legislature of the State of California at its session in 1917 enacted an act creating a nautical training school at the port of San Francisco, and appropriated the sum of twenty-five thousand dollars for the support and maintenance of said nautical training school for the sixty-ninth and seventieth fiscal years; and

vessel for
nautical
training
school.

WHEREAS, The fund created by said act is available only upon receipt by the board created by said act to administer the affairs of said school of a vessel assigned by the navy department of the United States; and

WHEREAS, Efforts made by the governor during the years 1917 and 1918 to secure the assignment of a vessel for that purpose were unavailing, owing to the war demands; and

WHEREAS, Assurances have been given that the United States ship Hartford is now available for the purposes mentioned; and

WHEREAS, The appropriation made by the legislature in 1917 will lapse in the month of June of the present year unless the assignment of a vessel is made as above set forth; now, therefore, be it

Resolved by the senate and the assembly, jointly, That the legislature of the State of California does respectfully request the secretary of the navy and the United States shipping board to assign the United States ship Hartford, or some available vessel for the port mentioned, and in accordance with the request of the governor of the State of California; and be it further

Resolved, That the secretary of the senate be and he hereby is directed to forward forthwith copies of these resolutions to the honorable Josephus Daniels, secretary of the navy, and to the United States shipping board.

CHAPTER 65.

Senate Joint Resolution No. 34—Relative to a request to congress to provide a mine rescue truck for use in California.

[Filed with Secretary of State May 6, 1919.]

Provision
for mine
rescue truck

WHEREAS, Recent mine fires in this state have caused great loss of property and danger to the lives and safety of miners employed in this state; and

WHEREAS, It is advisable that every precaution be taken to insure the safe operation of mines; therefore, be it

Resolved by the senate and the assembly, jointly, That the congress of the United States be urgently requested to provide a mine rescue truck for use in the State of California; be it further

Resolved, That the secretary of the senate be and he is hereby instructed to forward copies of this resolution to the senators and representatives in congress from California.

CHAPTER 66.

Senate Joint Resolution No. 35—Relative to securing the establishment in California of a proposed United States air service academy.

[Filed with Secretary of State May 6, 1919.]

Establish-
ment of air
service
academy.

WHEREAS, A bill will be introduced at the next session of congress having the approval of the general staff, the director of air service and other officers prominent in air service matters, providing for the creation of an air service academy by the United States government; and

WHEREAS, Such an academy will rank in importance with relation to the air service with West Point and Annapolis to the military and naval services of the government respectively, and will provide technical and engineering training of the highest order for young men, so that the government will have a reserve of technically trained officers for this branch of the service, as well a center from which new ideas and developments can be expected for the military and for the commercial side of aircraft development; and

WHEREAS, The officers so trained, if not called for the service, will be well qualified for the mechanical engineering profession in civil life; and

WHEREAS, There will be needed for the purpose of such institution a considerable tract of land favorably situated both for practical and inspirational environment; and

WHEREAS, California offers exceptional advantages for a site for such institution which without doubt can be secured for the government free of cost; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California declares itself to be cognizant of the proposed establishment by the government of an air service academy and that without doubt upon the selection of a suitable site in the State of California by the proper authority, the community most interested or the state itself will furnish such site to the government free of cost; and be it further

Establishment of air service academs

Resolved, That our senators and representatives in congress be and they are hereby requested to diligently use all honorable means to secure the passage of the proposed act hereinabove referred to and the location of such an academy within the State of California; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to forward copies of this resolution to the president of the senate of the United States, the speaker of the house of representatives, and to each senator and representative in congress from the State of California.

CHAPTER 67.

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two thereof, relating to the right of suffrage.

[Filed with Secretary of State May 6, 1919.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the sixth day of January, 1919, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

Constitutional amendment

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided,* no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in

Rights of suffrage.

Absent
voting.

this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; *provided, further*, that the legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are regularly required to travel about the state and who, by such affidavit as the legislature may prescribe, show that they will be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the military or naval service of the United States or of the state other than in the regular army or navy of the United States, may be absent from their respective precincts on the day on which any primary or general election is held; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place within the United States where not less than fifty such soldiers or sailors are stationed, on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the legislature may prescribe.

CHAPTER 68.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California to amend section twelve of article thirteen of the constitution of said state, relating to a poll tax.

[Filed with Secretary of State May 6, 1919.]

Constitutional
amendment

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-third session commencing on the sixth day of January, one thousand nine

hundred nineteen, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, proposes to amend section twelve of article thirteen of the constitution of the state to read as follows:

Sec. 12. The legislature shall provide for the levy of an Poll tax. annual poll tax, and the collection thereof by assessors, of not less than four dollars on every alien male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots and insane persons. Said tax shall be paid into the county school fund in which county it is collected.

CHAPTER 69.

Assembly Concurrent Resolution No. 25—Relative to the date of the discovery of gold in California by James W. Marshall.

[Filed with Secretary of State May 6, 1919.]

WHEREAS, The legislature at the forty-second session, by Date of discovery of gold in California. Assembly Concurrent Resolution No. 15, did authorize the governor of the State of California to appoint a committee to investigate and to determine the correct date of the discovery of gold in California by James W. Marshall and to recommend corrections in the inscription on the monument erected at Coloma, El Dorado county, to the memory of James W. Marshall and in commemoration of the discovery of gold in California; and

WHEREAS, Philip Baldwin Bekeart, Fred H. Jung and Grace S. Stoermer, constituting the committee appointed by the governor for said investigation, have reported to the board of trustees of Sutter's Fort, which board of trustees has charge of the maintenance and upkeep of said monument, and has recommended that the inscription on the monument setting forth that gold was discovered in California "January 19, 1848" be changed to read "January 24, 1848"; and

WHEREAS, Harry Hanlon, Jo V. Snyder, W. F. Toomey and Donald R. Green, constituting the board of trustees of Sutter's Fort, have submitted the report of said committee to the members of this legislature for their approval and have suggested that official action be taken to declare January 24, 1848, the date upon which gold was discovered in California by James W. Marshall; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the State of California hereby approves the report of said committee which report is made a part of this resolution and finds, declares and recognizes January 24, 1848, as the date upon which gold was discovered in California by James W. Marshall; and be it further

Date of
discovery
of gold in
California.

Resolved, That the board of trustees of Sutter's Fort is hereby authorized and directed to change the inscription upon the monument erected to the memory of James W. Marshall at Coloma, El Dorado county, so that the correct date of the discovery of gold in California by James W. Marshall will appear thereon.

Los Angeles, California,

October 15, 1918.

*To the Board of Trustees of Sutter's Fort,
Sacramento, California.*

GENTLEMEN :

In accordance with the resolution adopted at the legislative session of 1917, the committee appointed by his excellency the governor, William D. Stephens, "to determine the exact date of the discovery of gold," herewith submit their findings and make formal request to the board of trustees of Sutter's Fort that they take the necessary action to make such change of date effective.

Respectfully,

GRACE S. STOERMER, Secretary.

LETTER OF TRANSMITTAL.

Los Angeles, California,

October 15, 1918.

*To His Excellency, WILLIAM D. STEPHENS,
Governor, State Capitol, Sacramento, California.*

DEAR SIR :

The commission appointed to determine the exact date of the discovery of gold in California has the honor to herewith transmit the report of its investigation. The commission held two meetings in San Francisco. There were also conferences and correspondence between the members of the commission.

After much research work on the part of Mr. Phil. B. Bekkert, who devoted considerable time to the subject, the commission submits the following report and determines that the correct date is January 24, 1848:

PHILIP BALDWIN BEKERT.

FRED H. JUNG.

GRACE S. STOERMER,

Secretary.

REPORT OF COMMITTEE.

Committee appointed by Governor William D. Stephens to show proof that the date of the discovery of gold at Coloma, Sutter's Mill, as shown on the Marshall statue at Coloma,

January 19, 1848, is wrong, and that the correct date is January 24, 1848.

Date of
discovery
of gold in
California.

The following report is submitted by Phil. B. Bekcart. He makes no claim for any discovery of the correct date, this date having been proven by the findings of John S. Hittell, the pioneer and historian, in 1885.

James W. Marshall never kept a diary. He attached no historic interest to his discovery at the time it was made. The California Chronicle published a letter February 9, 1856, signed by Marshall, but written by some other person. His next statement, and over his own signature, appeared in Hutching's California Magazine, Vol. 2, No. 5, November, 1857. This published conversation and interview with Marshall was afterward verified in a letter to John S. Hittell, written by J. W. Hutching, December 28, 1885.

In his statement to Hutching, November, 1857, Marshall says: "On or about the nineteenth of January. I am not quite certain to a day, but it was between the eighteenth and twentieth of that month, 1848." "The first piece which I found weighed about fifty cents."

Marshall states he left for Sutter's Fort four days after his discovery, to show Captain Sutter his find, and to prove its genuineness.

In view of this statement of Marshall's, the nineteenth of January was the accepted date of the discovery until 1885, when John S. Hittell happened to hear that one of Marshall's companions at Sutter's Mill in 1848 still lived in Utah, so he wrote to this man, Henry W. Bigler, St. George, Utah, and sent him a copy of an address that he delivered before the Society of California Pioneers, in San Francisco, September 9, 1885. He asked Bigler if this address agreed with his knowledge of Marshall's discovery, and Bigler replied in a letter dated November 29, 1885, that the date was the twenty-fourth, not the nineteenth.

This diary was afterwards obtained from Bigler, and is, I believe, now a part of the Bancroft library at Berkeley. A facsimile of this diary is in the possession of the Pioneers. It reads:

"Monday 24th. This day some kind of mettle was found in the tail race that looks like gold. First discovered by James Martial the boss of the mill."

General Sutter's diary, now a valued possession of the Society of California Pioneers, records the following few words regarding Marshall:

"Friday, January 28, 1848. Mr. Marshall arrived from the mountains on very important business."

"Saturday, January 29, 1848. Marshall left for the mountains."

Date of
discovery
of gold in
California.

Azariah Smith, then a young man of nineteen years, and one of the laborers at Sutter's Mill, also kept a diary. He wrote but once a week (Sunday). His diary, the original of which is in the vaults of the Pioncers, reads as follows:

"Sunday, January 30th. Mr. Marshall having arrived, we got liberty of him and built a small house down by the Mill, and last Sunday we moved into it in order to get rid of the Brawling, Partial Mistress, and cook for ourselves. This week Mr. Marshall found some pieces of (as we all suppose) Gold, and he has gone to the Fort for the purpose of finding out. It is found in the raceway in small peaces. Some have been found that would weigh five dollars."

NOTE: This last remark was afterwards explained as follows: Azariah Smith possessed a five-dollar gold piece, and the combined weight of all the flakes picked up by the men weighed about five dollars. There never was a nugget found in the American river at Coloma (Sutter's Mill).—P. B. B.

SUMMARY.

Bigler's diary states that Marshall found the gold on Monday, *January 24, 1848.*

Marshall told Hutchings he left for Sutter's Fort, *four days after the discovery.*

Sutter's diary states that Marshall *arrived at the fort on the twenty-eighth.*

Smith's diary of Sunday, the thirtieth, states that Marshall discovered gold *during the week*, and had returned from the fort. If the discovery had been on the nineteenth, Smith would have recorded it on Sunday the twenty-third.

This proves my contention that the date, January 19, 1848, on the Marshall Monument is wrong, and the monument should have the date of discovery January 24, 1848.

(Signed) PHILIP BALDWIN BEKEART,
Representing Pioneers of California.

We concur in these findings:

(Signed) FRED H. JUNG,
Representing Native Sons
of the Golden West.

(Signed) GRACE S. STOERMER,
Representing Native Daughters
of the Golden West.

CHAPTER 70.

Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California to amend the constitution of said state by adding to article thirteen thereof a new section to be numbered one and one-half a, relative to revenue and taxation.

[Filed with Secretary of State May 6, 1919.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the sixth day of January, 1919, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to amend the constitution of said state by adding to article thirteen thereof a new section, to be numbered one and one-half a, and to read as follows:

Constitutional amendment

Sec. 1½a. All buildings, and so much of the real property connected therewith as may be required for the occupation of institutions sheltering more than twenty orphan or half-orphan children receiving state aid shall be free from taxation; *provided*, that no building or real or personal property so used which may be rented and the rent received by the owner therefor shall be exempt from taxation under the terms of this act.

Orphanages exempt from taxation.